

with the rank of rear-admiral, for a term of four years from January 9, 1909.

#### MEMBERS OF THE PHILIPPINE COMMISSION.

Under the provisions of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of affairs of civil government in the Philippines, and for other purposes," as amended by the act of Congress approved May 11, 1908, increasing the membership of the Philippine Commission, I submit the following nominations:

W. Cameron Forbes, of Massachusetts, to be vice-governor of the Philippine Islands, to which office he was appointed during the last recess of the Senate, vice Henry Clay Ide, resigned.

Gregorio Araneta, of the Philippine Islands, to be a member of the Philippine Commission and secretary of finance and justice in the government of the Philippine Islands, to which office he was appointed during the last recess of the Senate, vice Henry Clay Ide, resigned.

Newton W. Gilbert, of Indiana, to be a member of the Philippine Commission, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Rafael Palma, of the Philippine Islands, to be a member of the Philippine Commission, to which office he was appointed during the last recess of the Senate, vice Benito Legarda, resigned.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate December 9, 1908.*

##### SECRETARY OF WAR.

Luke E. Wright, of Tennessee, to be Secretary of War.

##### SECRETARY OF THE NAVY.

Truman H. Newberry, of Michigan, to be Secretary of the Navy.

##### MINISTER RESIDENT AND CONSUL-GENERAL.

Hoffman Philip, of New York, to be minister resident and consul-general to Abyssinia.

##### POSTMASTERS.

##### NEW HAMPSHIRE.

John H. Brown, at Concord, N. H.

##### WASHINGTON.

George H. Russell, at Seattle, Wash.

### HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 9, 1908.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

ELECTION IN THE FIRST CONGRESSIONAL DISTRICT OF THE STATE OF LOUISIANA.

The SPEAKER. The Chair lays before the House the following memorial:

The Clerk read as follows:

LAWRENCE, LA., December 4, 1908.

HON. JOSEPH G. CANNON,  
Speaker of the House of Representatives, Washington, D. C.

SIR: I have the honor to present to you a memorial to the House of Representatives, contesting the right of ALBERT ESTOPINAL, who holds a certificate of election to fill the vacancy caused by the death of the Hon. Adolph Meyer. I beg that you have it referred to the Committee on Elections, and that I be notified by said committee when to appear and make good my memorial.

I have the honor to be

Your obedient servant,

H. C. WARMOTH.

IN THE HOUSE OF REPRESENTATIVES, SIXTIETH CONGRESS OF THE UNITED STATES.

Henry C. Warmoth, contestant, v. Albert Estopinal, contestee.

To the honorable the Speaker and Members of the House of Representatives, Sixtieth Congress of the United States:

The memorial of Henry C. Warmoth, a citizen of the United States of America, respectfully represents—

That on the 3d day of November, 1908 A. D., an election was held in the First Congressional District of the State of Louisiana for Member of your honorable body to represent the said district in the Sixtieth Congress of the United States to fill the vacancy caused by the death of the Hon. Adolph Meyer; and in said election your memorialist was the candidate of the Republican party; that opposed to his candidacy the name of Albert Estopinal appeared upon the official ballot prepared by the secretary of state for said election, and as a candidate of the Democratic party; that the said Estopinal has been declared elected and has been commissioned to a seat in your honorable body in pursuance of said election.

The memorialist alleges that he desires to contest the right of the said Albert Estopinal to a seat in the Sixtieth Congress of the United States upon the following grounds and for reasons, to wit:

The election of the contestee was brought about as the nominee of the Democratic party, and the votes cast for him at the election on November 3, 1908, for Member of Congress for the First Congressional District of Louisiana were so cast in pursuance of his nomination as the Democratic candidate, which nomination was procured at a primary election held in said district by said party on —, 1908. Said primary election was ordered and held under the terms of act 49 of 1906, known as the "primary election law," which provides in section 9:

"Be it further enacted, etc., That the qualifications of the voters and candidates in all primaries held under this act shall be the same as now required by the constitution and election laws of this State for voters at general elections, subject to an additional political qualification which may be prescribed by the state central committee of the respective political parties coming under the provisions of this act. The representative state central committee of the respective political parties coming under the provisions of this act shall meet within sixty days after the promulgation of this act and then fix the said additional political qualifications as herein authorized."

Acting under the authority above stated, the state central committee of the Democratic party, at a meeting held in the city of New Orleans, July 28, 1906, took up this question and disposed of it as follows:

"On motion of Congressman DAVEY it was declared that the additional qualifications authorized under the primary election law should be that the participants in the Democratic primaries should be 'white Democrats.' Judge Porter wanted the qualifications amended to 'well-known white Democrats.' This was not urged and Congressman DAVEY's motion prevailed."

On the Democratic executive committee of the First Congressional District of the State of Louisiana met in the city of New Orleans, and under the authority of the law above quoted, and by direction of the Democratic state central committee in its enactment to nominate a Democrat candidate for Congress in said district, to wit:

"Be it resolved by the committee, That a primary election be held throughout the First Congressional District on —, at which qualified Democratic electors, who shall also be white Democrats, shall vote for a Democrat nominee for Congress for the said district, and also for member from each parish forming said district to be a member of said committee, and also for members at large from the said district who shall be members of the committee under provisions of the act 49 of 1906."

In the Democratic primary, so called, and held on —, 1908, the contestee became a candidate for the Democratic nomination, and was finally declared nominated as the Democratic candidate, and in accordance with said nomination, so procured, his name was placed on the official ballot as such Democratic candidate, he was so voted upon at the general congressional election of November 3, 1908, and as a result thereof has been officially declared elected to the Sixtieth Congress of the United States as Representative from the First Congressional District of Louisiana.

Now contestant further alleges that the said nomination was absolutely null, void, and of no effect because procured and made in pursuance of Act 49 of 1906, which in so far as section 9 is concerned is in contradiction and defiance of the constitution of the State of Louisiana and of the fifteenth amendment of the Constitution of the United States, and therefore it is unconstitutional, null, and void; that this action of the state central committee of the Democratic party and of the first congressional committee of said party is likewise in contradiction and defiance of the constitution of the State of Louisiana and the fifteenth amendment of the Constitution of the United States; that accordingly every act leading up to the nomination of the contestee was null and void; that said nomination was null and void, and every ballot cast for the contestee at the election of November 3, 1908, was a null and void ballot, absolutely without effect, and should not have been counted in ascertaining the result of said election.

Now contestant further shows that he was regularly nominated as the candidate of the Republican party for Member of the Sixtieth Congress of the United States to fill the vacancy caused by the death of the Hon. Adolph Meyer; that said nomination was made in a perfectly legal and constitutional manner; that as such nominee he received many legal votes, legally cast throughout the district, and that as a partisan Democratic board has returned and allowed him a number of such votes for member of your honorable body as a result of said election of November 3, 1908, and that as the votes cast for the contestant were the only legal and valid votes cast in said election, contestant upon the face of the returns is entitled to the seat in the Sixtieth Congress of the United States to which the contestee has been returned.

The contestant further shows that the entire election machinery in the State of Louisiana, including the contest of party nominations, the preparation of ballots and the distribution of said ballots, the appointment of commissioners of election, the count and canvass of votes, the compilation and promulgation of returns—in fact, every detail—is vested by unequal, unjust, and unconstitutional laws in the hands of partisan Democrats and Democratic boards, with the result that the Republican and every other form of opposition is being gradually counted out and legislated out of existence in the State of Louisiana; that said unequal, unjust, and unconstitutional laws have declared, and the courts of Louisiana have maintained, the proposition that there is not even an appeal to the courts for redress from the action of said partisan boards, and it has become an accepted Democratic doctrine in Louisiana that there is no "going behind the returns;" that under these circumstances contestant is shut out from all redress except by memorial to the Congress of the United States.

Wherefore your memorialist prays that this contest, notice of which has been given as required by law and by the rules and regulations of your Committee on Elections, be taken cognizance of by the House of Representatives of the Sixtieth Congress of the United States; that after due proceedings had and a hearing as to the matters herein contained and recited, contestant be given a seat as Representative in Congress from the First Congressional District of the State of Louisiana over the said Albert Estopinal, contestee, with all the privileges, duties, and emoluments of a duly elected Member of Congress, and contestant further prays for general relief.

HENRY C. WARMOTH, Contestant.

DECEMBER 1, 1908.

By unanimous consent the memorial was referred to Election Committee No. 1.

#### RESIGNATION AND APPOINTMENT OF CONFEREES.

The SPEAKER. Mr. GARDNER of Massachusetts asks to be excused from service as manager of conference on the bill (H. R.

13851) providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass.

Without objection, the request will be granted.

There was no objection.

The Chair appointed Mr. FRENCH in place of Mr. GARDNER of Massachusetts as manager on the part of the House.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted indefinitely to Mr. NORRIS on account of illness in his family.

#### THIRTEENTH DECENNIAL CENSUS.

Mr. CRUMPACKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses.

The motion was agreed to.

The SPEAKER. On a former occasion the gentleman from Illinois, Mr. FULLER, presided over the committee. The Chair will ask him to now assume the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the census bill, with Mr. FULLER in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. That the additional clerks and other employees provided for in section 6 shall be subject to such noncompetitive examination as the Director of the Census may prescribe, the said examination to be conducted by the United States Civil Service Commission: *Provided*, That they shall be selected without regard to the law of apportionment or to the political party affiliations of the applicants, and that preference may be given to persons having previous experience in census work whose efficiency records are satisfactory to the said Director, who may, in his discretion, accept such records in lieu of said examination: *And provided further*, That employees in other branches of the departmental service who have had previous experience in census work may be transferred without examination to the Census Office to serve during the whole or a part of the decennial census period, and at the end of such service the employees so transferred shall be eligible to appointment to positions of similar grade in any department without examination: *And provided further*, That during the decennial census period and no longer the Director of the Census may fill vacancies in the permanent force of the Census Office by the promotion or transfer of clerks or other employees employed on the temporary force authorized by section 6 of this act: *And provided further*, That at the expiration of the decennial census period the term of service of all employees so transferred and of all other temporary officers and employees appointed under the provisions of this act shall terminate, and such officers and employees shall not thereafter be eligible to appointment or transfer into the classified service of the Government by virtue of their examination or appointment under this act.

Mr. GILLET. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 4, line 19, after the word "employees," insert "except messengers, assistant messengers, messenger boys, watchmen, unskilled laborers, and charwomen."

In line 20 strike out "non."

Mr. GILLET. Mr. Chairman, this amendment proposes, instead of the provision of the bill, that the selection of the clerks shall be by competitive examination. Now, this is an important question which I think interests the House, and I should like briefly to submit my reasons for the amendment which I have offered, but I can not do it in five minutes. I therefore ask unanimous consent that I may proceed for ten or fifteen minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GILLET. This bill provides that no clerk shall be employed until he has successfully passed an examination, and it thereby recognizes and admits the value of an examination in determining fitness, and so far it is progressive and up-to-date; but the examination which it stipulates is not competitive, and therein it is, in my opinion, fundamentally and fatally defective.

I do not claim that a system of competitive examinations is ideal, that it always selects the best clerks; but I think it is infinitely preferable to the substitute which is offered in this bill or to any other which is practicable. The ideal method undoubtedly would be to leave the appointing officer absolutely free to select whatever assistants he pleased. Power ought to go with responsibility, and the head of a department or of a bureau who is responsible for the work accomplished by that bureau ought to have the unhampered power of selecting the agents through whom his work must be accomplished. Then, alone, can he be held strictly accountable for the work done and be entitled to either praise or blame according to the results. But we know that is impossible with our system of government; that if we should give theoretically a free hand to the appointing officers they would be compelled by outside influence to make appointments which they really did not desire; that it

would be impossible for them to resist the pressure which would be brought against them and, therefore, some other system must be devised. What shall it be?

This bill leaves theoretically the appointment to the head of the bureau, but while the power is theoretically left to him, we know by long experience, and especially by the experience of the last census, that really he will have very little power of selection. We know that he will appoint, and it is intended that he shall appoint, not the clerks whom he thinks will best perform the work of the office, but the clerks whom members of Congress and other influential men press upon him. That system was tried ten years ago, and while contradictory statements are made as to its success and to its comparative efficiency, there is no question that men were appointed whom examination showed were not qualified. Under urgency from members of Congress, repeated examinations were held. If a favorite protégé failed once or twice, a third examination was arranged for him, such an examination as would meet the capacity of the applicant, and in this way under political pressure men were forced into the office who had been pronounced unfit by the regulations adopted.

So, while the kind of an examination which was required ten years ago and which it is now proposed to repeat accomplishes something and recognizes the growth of public opinion, and shows that the people will no longer permit clerkships to be allotted purely as congressional spoils without any regard to the merits of the applicants, still it is, I think, clearly inferior to a competitive examination. That at least gets the average material, and, I think, much better than the average material. The other does not. The other merely gets such material as members of Congress may choose to impose, and in their selection they are often not governed by the good of the service but by their own political needs.

But the advantage of selecting the force by competitive examination does not end with the original appointment. Under that system the force is constantly sifted, the best men are retained and the poorest men dropped. While the official does not have a free hand in selection, but has to take what the examination gives him, he is perfectly free subsequently; and he can, and his interests will compel him to, retain the men who are most capable and to drop out the others.

But under the system provided by this bill he is obliged to keep the men imposed upon him, regardless of their merits. The same influence which secured their appointment will be exerted with persistent effort to keep them in their places, and no matter how inferior their services or how gladly he would dismiss them, he is constrained by pressure to keep them, and so, instead of improving this force by weeding out the poor men and keeping the better ones, its condition remains the same and the poorest men with the influence back of them have the same chance of remaining as the best.

Moreover, the membership of Congress changes every two years, and then the new Member claims his proportion of clerks, and those whom his predecessor had appointed, and who, whatever their original qualifications, must have improved somewhat by two years' experience, are turned adrift and new men taken in their places. So that the system inevitably produces in the course of trial a poorer assortment of clerks than would exist under a competitive system where there was no selfish influence to either appoint or retain worthless clerks. The clerks who get in under competitive examination win their places by merit and by merit alone can they keep them. The others gain their places by patronage regardless of comparative merit, and by patronage they keep them whether with merit or without.

Moreover, not only does the system adopted in this bill prevent the selection of the best clerks originally and prevent the subsequent dropping of the poorest and retention of the best, but it also necessarily adds to the expense by making it difficult for the director to discharge clerks when they are no longer needed. Every Congressman, who ought to wish that the census work should be completed as quickly as possible, has, on the contrary, some selfish interest in the prolongation of the work and the increase of the force, and may be compelled to influence the director to retain superfluous clerks. A system is unfortunate which arrays a legislator's selfish interest against his public duty.

There is in this bill a clause which says that the clerks shall be appointed without regard to politics, and that has a lofty sound, but I understand that the real meaning of it for this census is only that they shall be divided equally among the Congressmen without regard to party. Ten years ago a Republican Member received more than a Democratic Member, but this year they are to be appointed without regard to politics, and the plan and arrangement is that each Member of Congress,

Republican or Democratic, shall receive the same number of appointments, except, undoubtedly, members of the Census Committee and some other special favorites who will get more than the regular allotment.

Mr. HENRY of Texas. Will the gentleman guarantee that?

Mr. LANGLEY. May I ask the gentleman where he obtained that information?

Mr. GILLET. I obtained it from Members of this House, who said that was the understanding. Does not the gentleman think that will be the execution of the law?

Mr. LANGLEY. I have no authority to say one way or the other.

Mr. GILLET. Do you think it will not?

Mr. LANGLEY. I think the Democrats will have their share of appointments. I think they ought to have.

Mr. GILLET. Exactly; I think they will.

Mr. LANGLEY. Not under your proposition.

Mr. GILLET. Under my proposition there would really be no politics in it. Neither Republicans nor Democrats would be able to appoint their men. The gentleman from Kentucky does not deny my proposition, and while I can not state it authoritatively, I believe and I think you all understand that it is the expectation this year that every Member of Congress will have the same number.

It seems to me this is an even more ignominious division than the old time-honored principle, "to the victors belong the spoils." Now the phrasing should be, "to Congress belong the spoils." The committee does not dare to live up to the old precept and allot the force entirely to the Republicans, because in that case the Democrats, not getting anything, would all vote against it, and enough Republicans who do not believe in the spoils system would join them to defeat it, so now they adopt the new maxim and say in this bill they shall be allotted equally to all without regard to politics. The old doctrine had at least something courageous about it. Demoralizing to the public service it was, but it was the result of a contest and was the reward of a hard-fought victory. But this doctrine is just as demoralizing and has no element of courage about it. It does not seize the spoils as an incident of victory, but it mean-spiritedly divides the booty evenly between the two parties. It is a selfish combination between two opponents not to fight longer but to temporarily drop their animosity in order that they may safely rob a third party, the indefensible public. It is like two unscrupulous lawyers pretending to contest, but really robbing a fat estate.

I can imagine a veteran of the old system, brought up under the doctrine that to the victors belong the spoils, appropriating the patronage mercilessly when he wins and suffering uncomplainingly when he loses, taking his medicine without complaining and when he wins forcing the medicine with a strong hand unsparingly upon his foe; I can imagine such a one looking with some contempt upon this degenerate scheme. This is not a contest; there is no risk, no courage here. It is "heads I win; tails you lose." The opposing forces call a temporary truce and enter into a treaty of barter and sale. Instead of fighting for the spoils they divide them peaceably between them and the public pays the bill. This is a degenerate relic of the old spoils system; it shows an encouraging fear to carry it out in its pristine vigor but a desire to accomplish much the same result without letting the public suspect it, and I hope it will not succeed.

The constant reciprocal influence of the legislative and executive departments is most demoralizing. The selection of clerks by competitive examination greatly lessens it. A department officer constantly desires legislation for his department. He can not, as he ought, be independent and stand up for the public interest when Congressmen assail him with requests about appointments if all the time he knows that he must go before them with other requests, and that by offending them now he will lay up enemies against his future legislation. Nor can a Congressman legislate fairly and impartially for a department when he is asking of that department favors in the way of patronage which will leave him under a sense of obligation or a sense of resentment. This whole system of interference by Congress in the distribution of offices by a department is improper, injures legislation, injures executive action by the department, takes away both from Congress and from the executive the sense of duty which alone should actuate their conduct, and necessarily compels them in their action to be influenced by selfish motives.

And there is another objection to this system. We are appointing a commissioner for the important and exacting work of the census because he is supposed to have special qualifications for that difficult task, and then we impose upon him, whose time ought to be free for the absorbing problems before

him, the duty of distributing the patronage. We make him a mere agent to meet us and hear our claims and decide whether this or that clerk shall be appointed and take from him for such petty but worrying questions strength and time that should be given to his great problems. The last Director of the Census said that the first year and a half of his time was nearly all absorbed by the distribution of patronage to members of Congress. Every director is opposed to it and avows that it interferes with the success of the bureau. Experience and theory alike denounce it, and I trust the vote of this House will follow the lessons of experience.

Mr. CRUMPACKER. Mr. Chairman, the Committee on the Census recommend the adoption or the passage of the bill providing for the appointment of clerks and employees of the Census Office under a noncompetitive examination. There has been a good deal of criticism of the bill by civil-service reform associations throughout the country. The President in his message of yesterday recommended that the appointment of these clerks be put under the civil-service law, modified so as to exclude the rule of geographical apportionment. The civil-service law requires clerks to be appointed in the classified service according to the rule of apportionment, and if the civil-service law should apply to the selection of these clerks none of them would be appointed from the District of Columbia, from Virginia, Maryland, and adjoining States, because all these locations now have more than their lawful quota in the classified service.

Mr. GILLET. Will the gentleman allow a suggestion?

Mr. CRUMPACKER. Yes.

Mr. GILLET. My amendment does not provide anything about that. It leaves the bill just as you have it exactly.

Mr. CRUMPACKER. I know that. I am talking about the recommendation of the President. And the result would be that if the House should adopt the recommendation of the President and place the appointment of all the clerks—and the provision only refers to the clerks of the Census Office, perhaps amounting to thirty-two hundred or thirty-three hundred in all—under the civil-service law, with the elimination or the abolition of the rule of geographic apportionment, that, of course, would allow applicants in the District of Columbia and States adjoining to be considered, and it would in all probability result in the appointment of almost all of that force of clerks from the District of Columbia and adjoining States. That is a proposition I want to submit to the members of the Committee of the Whole for their consideration.

The gentleman from Massachusetts [Mr. GILLET] informs us that there are probably four or five hundred men and women in the District of Columbia now who served very efficiently in the preparation or in the administration of the Twelfth Census law, a record of whose efficiency is now in the Census Office, and the bill is so framed that these clerks may be appointed in the office without any examination at all.

This work, gentlemen must bear in mind, is largely emergency work. These appointments are for a temporary period only. The average tenure of services of the temporary clerks will probably not exceed two years. Under the bill the salaries run from \$600, the minimum, to \$1,000, the maximum, and naturally most of the clerks, under almost any system of appointment, would come from locations comparatively near to the city of Washington, because for a temporary service of that character, with such limited emoluments, it seems to me it would be exceedingly difficult to secure enough clerks in the office if they were appointed under the civil-service law without modification.

Mr. SULZER and Mr. PARSONS rose.

Mr. SULZER. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will first yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. I wish to ask the gentleman from Indiana what objections there are to placing all of these appointments under the present civil-service law, rules, and regulations?

Mr. CRUMPACKER. I am explaining some of the objections. One is that under the small salaries paid and the temporary period of appointment it would be practically impossible to secure sufficient appointments under the civil-service law, including the rule of geographical apportionment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask that the time of the gentleman may be extended for five minutes.

Mr. CRUMPACKER. I ask unanimous consent that I may be permitted to proceed for fifteen minutes, if necessary.

Mr. SULZER. I ask unanimous consent that the gentleman may proceed for fifteen minutes more.

There was no objection.

Mr. SULZER. You were answering my question.

Mr. CRUMPACKER. There is another objection.

Mr. PARSONS. Will the gentleman, before he passes from that point, answer this question: Does the Director of the Census consider that that would be an objection?

Mr. CRUMPACKER. Which?

Mr. PARSONS. That you could not get a sufficient number of employees if they were appointed through a competitive examination.

Mr. CRUMPACKER. Well, I presume that may be reckoned among the objections that the Director of the Census has to appointing these clerks under the civil-service law. The Director of the Census does not believe that the clerks ought to be appointed under the civil-service law, but he does believe that they ought to be appointed under a competitive examination rather than a noncompetitive examination. That is the attitude of the director.

Mr. PARSONS. May I ask this question: Why, if his recommendation in regard to the appointments is really competitive, the examination is not to be competitive?

Mr. CRUMPACKER. Here are the Representatives of all the congressional districts from all over this country responsible for legislation, and I expect every man here, when the time comes, to vote his convictions on the question. The Committee on Census in making the report on the bill made it this way. I have no personal pride in the matter; neither has the committee. This is the business of the country, to be conducted by the country's Representatives, and it is to be presumed that each Representative will discharge his duty in regard to this matter as he thinks it ought to be discharged.

Mr. MADDEN. Will the gentleman permit me?

Mr. CRUMPACKER. I yield to an interruption.

Mr. MADDEN. The appointments once made under the plan proposed by the bill now under discussion, when the term of service expires will there be any way of getting them off the pay roll?

Mr. CRUMPACKER. The bill expressly provides that when the term of service expires they shall quit the service; that they shall not be eligible to transfer or to reappointment or to appointment in any branch of the classified service because of their appointment or examination for the service in the Census Office. The bill is plain and clear upon that question, and is self-operative.

Mr. MADDEN. One more question.

Mr. CRUMPACKER. Well, I yield to the gentleman.

Mr. MADDEN. If the appointments are made under a competitive examination, known as the present civil-service rules, when the term of service expires is there any rule of law whereby the head of any department can eliminate the person so appointed from continuance on the pay roll?

Mr. CRUMPACKER. If the clerks are selected under the civil-service law, they will have a classified status, will be eligible to transfer and reappointment under the civil-service law and the rules and regulations in pursuance thereof.

Mr. OLMSTED. And they will all stay in the service.

Mr. MANN. Would it not be just as practical in the law to provide for the severance from the service of these people whether appointed under one method or the other?

Mr. CRUMPACKER. Well, of course, you can abolish the civil-service law.

Mr. MANN. The civil service will be abolished under this method of appointment.

Mr. CRUMPACKER. I am discussing the questions and conclusions the reform associations throughout the country are discussing, with a view of showing the utter impracticability of complying with their suggestions. I want to show, if I can, that these associations do not understand the situation; they do not know, in the main, what they are talking about when it comes to the selection of this force under the civil-service law.

Mr. MANN. While I agree with them largely, I agree with the gentleman—they seldom know what they are talking about.

Mr. GILLET. I know the gentleman does not wish to be fog the House, but I think the discussion is misleading the Members. The gentleman is aware, if the House is not, that my amendment does not provide that they shall go into the classified service, but it simply provides that they shall be selected by a noncompetitive examination, leaving them in every other respect exactly as the bill does. So the objection—

Mr. CRUMPACKER. I will do the gentleman the justice to say that he is right about it, and he occupies, in my judgment, the only defensible position of the merit system in the public service that is at all applicable to the selection of clerks for the Census Office.

Mr. GILLET. I thank the gentleman. I simply desired to have that matter understood.

Mr. CRUMPACKER. It is the only defensible proposition, in my judgment, that can be submitted for the selection of these clerks under the merit system.

Mr. GILLET. Inasmuch as the gentleman was opposing the other proposition, which is not mine, I was afraid that the House would think that the amendment now pending was the amendment which the gentleman was combating.

Mr. CRUMPACKER. I am directing my remarks in part to the gentleman's amendment and in part to the recommendation of the President in his message that was read yesterday.

Mr. PARSONS. The last proviso to this section provides that the term of these employees, however appointed, shall expire at the end of the census period.

Mr. CRUMPACKER. Yes.

Mr. PARSONS. So that if you allow their appointment as the result of a competitive examination you do not put them under the civil-service law, but under this proviso you still leave it so that when the census period is over they go out of the service.

Mr. CRUMPACKER. Well, if it were permitted to stand in that form it would be a modification of the civil-service law to that extent. Now, the President in his message recommends the modification of that law only to the extent of the abrogation of the rule of geographical apportionment. If we should follow his recommendation, every clerk and employee appointed to the Census Office would have a classified status, would be eligible to reappointment for a year after his separation from the service, eligible to transfer at any time during his service there, under the law and regulations; and I think most Members of Congress have had sufficient experience to know what that would mean. Recognizing the fact that their service in the Census Office would be temporary only, many of them would be prompted by motives of self-interest to seek transfers into the classified service in other branches of the Government, where their tenure would be permanent. They would seek this during their service in the Census Office.

I believe this force should understand that their tenure is temporary; that when the term ceases they will no longer have any connection with the public service and no special status that will allow them to enter into the classified service.

Mr. SULZER. How long, approximately, will this term of office be?

Mr. CRUMPACKER. The average will probably be two years. Now, in relation to the amendment proposed by the gentleman from Massachusetts [Mr. GILLET] that the examinations be competitive instead of noncompetitive. The result of that amendment would be to abrogate practically the President's recommendation respecting the geographical apportionment rule. Competitive examinations mean competitive selection. It leaves no discretion with the Director of the Census, but he must select those upon the eligible register in accordance with their relative grades. If the examinations are to be conducted by the Civil Service Commission, as the bill provides, they may be held in all parts of the country.

The work in the Census Office is all emergency work. Appointments must be made without any sort of delay if the best and most economical results are to be obtained. When there is need for an addition to the clerical force in the Census Office the director will have no discretion. He can not make his appointments "immediately available," if I may use that term, but he must take them from the eligible list. Those with highest grades might be in California; they might be in Oregon; they might be in Maine; they might be scattered all over the United States, and he would be compelled to wait a week or two weeks or an indefinite period for them to come. Under the civil-service law the Census Office a year or two ago had need for an assistant engineer.

It asked the Civil Service Commission for eligibles, and the names of three men were certified, one of whom lived in St. Louis, one in South Dakota, and the other in Utah. The appointment officer selected the man closest to the city of Washington, the man in St. Louis. He was notified, and they waited two months before he arrived and reported for duty, in a position that paid \$60 per month.

Now, if we want to put the temporary census work under a system of that character and continue this service indefinitely, we have the right and the power to do it, but my idea is that while there are objections, that the gentleman from Massachusetts [Mr. GILLET] has so well pointed out, to the appointments of that official force under a noncompetitive examination, it does impose a great responsibility upon the director and gives him a free hand.

The Director of the Census is responsible for the great work he will have to do, and the highest motive that will prompt him will be to make a record of having taken the census in the most approved and economical manner. Some criticism has been made as to the appointment of the clerks in the Twelfth Census. The Twelfth Census was the most complete, trustworthy, and economical census that has ever been taken in the

history of this country. Some criticism has likewise been made in regard to the permanent Census Office created by Congress which placed the entire force under the civil-service law. Congress did that, and only did what the President had done repeatedly for the last twenty-five or thirty years. President Cleveland covered 3,000 clerks and employees in the Government Printing Office into the classified service without examination. Congress made the Census Office a permanent bureau.

They had records of efficiency; the clerks had demonstrated, not by a scholastic civil-service examination, but by several years' actual experience, their efficiency, and it was altogether a proper thing, a thing in the line with the merit system of the public service, to provide that those clerks who possessed a satisfactory record of efficiency should be put into the classified service. There is objection, I confess again, to the noncompetitive examination system, because there will be more or less of pressure brought upon the Director of the Census, but the director, I think, has the courage and the virtue to appoint no one but competent clerks in the office. People talk about the character of the census work. That depends in the main upon the work of the enumerators in the field, the men who do the actual counting.

Most of the work in the Census Office here is of a mechanical nature, conducted by mechanical devices, such as electrical punching machines, sorting machines, and tabulating machines, with which it is almost impossible to make a mistake. Then the Director of the Census contemplates putting the force in the office upon what is known as the "piece-price" basis, a policy which would require a further modification of the civil-service law to do. It will result in the saving to the Government of three or four hundred thousand dollars during the work of the temporary period. Taking everything into consideration, I believe that the recommendation of the committee is wise, that the force in the office should be appointed under a noncompetitive examination, which shall be prescribed by the Director of the Census, and the examinations be conducted by the Civil Service Commission, because it has the necessary machinery with which to conduct the examinations. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALDO. Mr. Chairman, I wish to offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. There is an amendment already pending. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

Mr. GILLETT. Mr. Chairman, if there is to be no further debate, I would like to say just a word or two.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

There was no objection, and the amendment was again reported.

Mr. MADDEN. Mr. Chairman, I would ask the gentleman to explain his amendment.

Mr. GILLETT. That is what I want to do.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. GILLETT. Certainly.

Mr. MADDEN. I want to know what is meant by messengers and assistant messengers.

Mr. GILLETT. It is the same as the ordinary messenger service in every department.

Mr. MADDEN. To what does it apply?

Mr. GILLETT. Oh, we all know what messenger work is.

Mr. MANN. Will the gentleman explain what his amendment does?

Mr. GILLETT. That is what I was going to do. I fear from the remarks of the gentleman from Indiana [Mr. CRUMPACKER], which had been directed partly at my amendment and partly at other recommendations, that the House does not appreciate exactly what my amendment provides. I wish that it should, because it seems to me that many of the suggestions of the gentleman which may have seemed to the House plausible and forcible will be found not to apply to this amendment. The amendment provides that the word "non" in line 20 be stricken out. In other words, it provides that the clerical force employed here in Washington shall be selected by competitive examinations. That is all it provides. Otherwise, it leaves the bill exactly as the committee has reported it. Therefore the argument which the gentleman made about locality or about delay does not at all apply to my amendment.

Mr. CRUMPACKER. Will the gentleman yield for a question?

Mr. GILLETT. Yes.

Mr. CRUMPACKER. If the gentleman's amendment is adopted, it takes away from the Director of the Census all discretion. He must select the applicant upon the eligible list whose grade is the highest.

Mr. GILLETT. Certainly.

Mr. CRUMPACKER. Suppose he lived in San Francisco, Cal.?

Mr. GILLETT. Yes.

Mr. CRUMPACKER. Does not that involve in a way the question of delay and geographical apportionment?

Mr. GILLETT. No, Mr. Chairman; I do not think it does, and I think the illustration used on that point by the gentleman was absurd. The gentleman said that a man was in St. Louis and that it took him two months to get to Washington. That was not a case of geography. It might have taken him two months if he had been in the south end here. That was a case of stupidity or misfortune on the part of that man.

Mr. CRUMPACKER. Suppose the appointments were being made after a noncompetitive examination. The office could get the applicant who is immediately available.

Mr. GILLETT. Yes.

Mr. CRUMPACKER. It could get one who could begin the service without delay, and our argument is that this is all emergency service and there ought to be no more delays than are absolutely necessary.

Mr. GILLETT. Yes, Mr. Chairman, it is an emergency service, but he does not mean by that he wants it the very next minute. Now, the way these eligible rolls are provided is they do not wait to have an examination made when they find they want a man. They have examinations made months in advance and the eligible lists all over the country are before them months or weeks in advance and when they want a man and they have to get him in twenty-four or forty-eight hours they can get a man. So it seems to me that the suggestion of the gentleman is not pertinent in this connection.

Mr. WASHBURN. Will the gentleman allow me a question?

Mr. GILLETT. If the gentleman will allow me to answer one or two other suggestions which were made. The gentleman also argues that there are employees of the last census here in Washington whom he would want and who ought to be employed. I agree with the gentleman. I think that the Director of the Census ought to have the power to employ these, and my amendment does not at all conflict with the committee's provision allowing that. It allows the Director of the Census, just as this bill does, to call upon these employees without examination. Further, the gentleman stated his bill allowed the director a free hand and the competitive examination did not. It is unnecessary to argue that to this House. Every Member of this House who was here in the last census knows that the director did not have any free hand at all. He has to take the men and he will take the two or four men that every Member of Congress presents to him and he will not use a free hand. Under my system he does have a free hand to this extent: If he gets a man under the competitive system who is a poor man, he has a free hand to weed him out and drop him, but under your system he can not do that, because the same pressure that put him in will keep him there. So he will not have any free hand under either system in appointment, but under my system he will have a free hand after he gets them there to drop the poor ones, and under your system the poor ones are quite as liable to have pressure and influence behind them as the good ones.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent for five minutes to present the views of the Director of the Census. Mr. Chairman, in view of what the gentleman from Massachusetts has said, and in view of the argument or statement of the gentleman from Indiana, who has implicit confidence in the Director of the Census and his good judgment, I beg to call the attention of the gentleman from Indiana and the House to what the Director of the Census himself says on this very proposition in his report, an advance copy of which we received last night. Speaking of this section, he says:

But it does not relieve him—

That is, the Director of the Census—

from the overwhelming pressure to obtain clerkships—

That is what the gentleman from Massachusetts spoke about—

which has heretofore proved the most vexatious and difficult task connected with the decennial work, occupying during the first year and a half the time and thought of the director that ought to be wholly given to the enormous and difficult work for which he is responsible. A noncompetitive examination means that every one of the many thousands who will pass the examinations will have an equal right to appointment and that personal and political pressure must in the end, as always before, become the determining factor with regard to the great body of these temporary employments. I can not too earnestly urge that the Director of the Census be relieved from this unfortunate situation. If these clerks can be obtained as needed in the order certified from a competitive examination, a better service will be secured than will otherwise be possible, and the efficiency of the force will be greatly increased and the cost of the census correspondingly reduced.

The Director of the Census wishes to be relieved from this burden. It would destroy the efficiency of the force; it would increase the cost of taking the census, and, in his judgment, is inexpedient. He makes it so inexpedient that it becomes our duty to vote for the amendment proposed by the gentleman from Massachusetts.

Mr. LANGLEY. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. Certainly.

Mr. LANGLEY. Is the gentleman aware that the present Director of the Census did not make the twelfth census appointments; that Governor Merriam, who was the director, and who made those appointments, was and is of the opinion these temporary clerks ought not to be subjected to a competitive examination nor placed in the classified service?

Mr. GILLET. Mr. Chairman, I would like to dispute that statement. I think the gentleman is mistaken, and although I do not like to use private conversation here, I would like to be cited to some statement of Governor Merriam's to that effect. I know he believes exactly the opposite.

Mr. LANGLEY. I know personally that that was his opinion; and my recollection is that in his testimony before the committee during the hearings last session he made some statement of that character.

Mr. GILLET. I know personally that he has stated that was not his opinion.

Mr. HAY. Mr. Chairman, I think that the committee ought to know that when this bill was being prepared the then Director of the Census and the last Director of the Census were both before the Committee on the Census and made extended statements upon the subject which we have now under consideration. Governor Merriam stated in terms that in his judgment the best way to obtain a temporary force was by noncompetitive examination. [Applause]. He also stated that as a result of that mode of obtaining clerks there had been obtained in the Census Office a set of clerks which compare favorably with the clerks in any department of this Government.

Mr. North, the present Director of the Census, while he qualified some statements which he made with regard to it, did not object to the method proposed in this bill. Now, the method proposed in the amendment offered by the gentleman from Massachusetts [Mr. GILLET] will not relieve the Director of the Census of the onerous duties which he says he will have to undertake if we have a noncompetitive examination. If there is a competitive examination, and if there is one place to fill, for example, and 10 persons pass the examination successfully, the Director of the Census, under the language of the amendment of the gentleman from Massachusetts [Mr. GILLET] will have to select from those 10, and the same personal pressure and the same political influence can be brought to bear in favor of those who pass a competitive examination as those who pass a noncompetitive examination.

Mr. GILLET. Will the gentleman allow a correction there?

Mr. HAY. Certainly.

Mr. GILLET. Of course the competitive examination means that the top man is taken. So he will not have to be selected.

Mr. HAY. It does not mean that at all. The civil-service law says that, but this is not the civil-service law.

Mr. GILLET. No; the gentleman is mistaken. The civil-service law says he shall take one of the first three, but this does not say that. In this the top man will get it.

Mr. HAY. How does the gentleman know that?

Mr. GILLET. That is what "competitive" means.

Mr. HAY. Competitive examination means, of course, that half a dozen people may pass the examination and all pass the examination. You can not take away, without a special act, from an appointing power the right of the Director of the Census to appoint any man on the eligible list that he pleases to appoint. He will have a right to appoint any man on the eligible list.

Mr. GILLET. Then neither law is good for anything, if that is so.

Mr. HAY. I think the law which is proposed, which has been thoroughly considered, and which has been found in the past to work well, ought to be made a law now, and it is not necessary for me to go over the reasons so ably given by the gentleman from Indiana.

Mr. WALDO. If the gentleman please, if the amendment still leaves this bill so that the director may appoint whoever he sees fit, why does he oppose the amendment?

Mr. HAY. Because it will place upon the Director of the Census a great deal more labor than the present provision will do, and because there is no necessity or reason for it.

Mr. WALDO. In what way does the gentleman believe that

this will impose any further labor on the director than a noncompetitive examination?

Mr. HAY. Because the director will have to be all the time calling for competitive examinations to be held by the civil service. If he can have a noncompetitive examination covering all these appointments at once, there will be no necessity for having them all the time.

Mr. WALDO. We have had a great deal of trouble adopting a civil-service law, for the purpose of not only relieving officials from tremendous pressure, but also for the purpose of securing a better class of government employees, without regard to political affiliations.

It seems to me that this bill, as proposed by the committee, is a direct violation of the civil-service law—an attempt to repeal it in part; that it will be of no use to the census; on the contrary, it will give us a poorer class of employees. It will permit the employment of practically anyone who can secure sufficient political influence to bring pressure to bear upon the Director of the Census. That is the very thing that we have been trying to prevent in all branches of the Government. For that reason I hope that the amendment may prevail.

Mr. PARSONS. Mr. Chairman, I hope that the amendment of the gentleman from Massachusetts will prevail. I have listened to the various arguments stated by the gentlemen in favor of the provision of the bill, and have heard none made that seemed to have any convincing merits, unless it be that to have a competitive examination would involve delay. But I understand that the reason we are passing this bill so early is so that the Census Bureau can make full preparation for taking the census, and part of that preparation will be to enable the examinations to be held, so that the list of people eligible can be prepared in ample time, and that wipes away the argument respecting delay.

As I recollect the testimony before the Committee on the Census, the Secretary of the Department of Commerce and Labor favors the amendment proposed by the gentleman from Massachusetts. So does the Director of the Census, and I think we owe it to them, the men who are responsible for having as perfect a census as can be got, to give them, who ought to know, the best system of selection that they favor. I hope the amendment will be adopted.

Mr. ROBINSON. Mr. Chairman, I desire to make some reply to my friend from New York. My recollection of the hearings had before the Committee on the Census is that it was demonstrated to the satisfaction of that committee that the best way to secure the force demanded for this work, which is a temporary one, is that provided for by this bill. In the limited time which I have to discuss this subject, I am not assuming to go into the reasons that drive me to the conclusion, but I want to say, in reply to my friend from Massachusetts [Mr. GILLET], who has suggested that some Democrats under this provision would be permitted to recommend appointments, that I thank him for that guaranty, and in reply to his statement that this is but a repetition of the old doctrine, "to the victor belongs the spoils," I want to call his attention to the fact, and this House's attention to the fact, with no sense of disrespect or meaning discourtesy to the Civil Service Commission, that that doctrine has applied in a large degree since the days of Andrew Jackson and does apply to a large degree during the days of Theodore Roosevelt. The appointment of a Commissioner of Immigration was said before the election to have been promised to one man, and it was denied. Now, the first appointment made after the election was the gentleman whom it had been charged was to be appointed in consideration of his fight on Gompers—"to the victor belongs the spoils," you see. But gentlemen repudiate the doctrine and at the same time apply it. But, gentlemen of the committee, I repeat the conviction that the hearings show that the best way to secure this temporary force is in this manner, and it is no argument, to my conviction, that gentlemen on that side of the House or on this side of the House may be permitted to make recommendations. Whenever I become so inane and so lacking in confidence in myself that I can not suggest a clerk under the provisions of law, then I am ready to retire and let the clerk take the position of Congressman for my district. Whenever you talk about competitive examinations being held, let me say to you if you had competitive examinations for Congress, high-school graduates, cadets, boys, and girls would come to Congress and retire one gentleman I know at least. I thank you. [Laughter and applause.]

Mr. BURLESON. Mr. Chairman, the issue presented by this amendment is quite simple and should be easily understood. It is whether the service to be rendered by the clerks and other employees will be more efficient, whether it will be more eco-

nomically performed if appointed under the bill as reported by the committee or if appointed under the plan proposed by the amendment offered by the gentleman from Massachusetts.

Now, I appeal to the common sense as well as the recollection of the Members of Congress who were here when the Twelfth Census was taken. Do you believe that more efficient clerks can be secured if every Member of this House can go to the Director of the Census and urge the appointment of two or three clerks and secure their appointment, or can more efficient clerks be secured if they are appointed after competitive examination?

Let every Member now answer, upon his conscience, if he proposes to be guided by his conscience in voting upon this amendment. Mr. Chairman, we all know that we have but little time and less inclination to acquaint ourselves with the qualifications of the persons who may apply to us for appointment as clerks in the Census Office. We know, furthermore, that we will probably recommend the first two of our honest constituents who will apply to us without a proper knowledge of the qualifications they possess for the duties that they will be called upon to discharge in the event of their appointment. Now, it has no bearing on this question, one way or the other, whether these people will all be appointed from the District of Columbia and Virginia, if this amendment is adopted, or whether they will be taken from all over the country.

The question is, Will they be more efficient if selected under the plan suggested by the gentleman from Massachusetts, or more efficient if selected as this bill provides for their selection? I think about this there can be no doubt. We know more efficiency can be had as a result of competition.

Now, another point, Mr. Chairman. Will it be more economical to have these employees selected in accordance with the plan embodied in the bill, or under the plan proposed by the amendment of the gentleman from Massachusetts? No one will doubt that, if this bill goes through, every Member of Congress will be called upon, whether he wants to do it or not, and will be urged to recommend to the Director of the Census the appointment of two or three or more clerks. The Census Director may say, "But, my dear sir, these clerks are not needed just now." We all know that the services of all these clerks will not be needed when the census work is first undertaken. A percentage of them will be needed the first six months, a larger percentage the second six months, and a still larger percentage the third six months, and so on; but the pressure upon the Director of the Census and the appointment clerk will be so fierce that he will be compelled to appoint for every Member of Congress an equal number of clerks, whether their services are needed or not at that particular time, and every gentleman here knows that that will be the history of it if this bill passes as it is drawn.

Now, can any gentleman here say that this census work will be more economically done if the amendment of the gentleman from Massachusetts is rejected? There can be but one answer to the question. The adoption of the amendment will make for economy. Gentlemen, these are small clerkships, positions of small consequence—\$600 places. Surely it can not be a matter of vital concern to Members of Congress whether they are given the privilege of appointing two \$600 clerks; but it is a matter of great concern, it is a matter of the gravest concern to every Member of Congress that this great census be taken efficiently; that it be taken accurately, and that it be done in the most economical manner. The basis of representation for membership of this House, for our seats upon this floor, depends upon the accuracy of the work to be done by the Census Bureau. Mr. Chairman, under the spoils system, which was in vogue during the taking of the Eleventh Census, this important work was not done as accurately and as carefully as it should be done. It is a fact that there have been sections of this country where the work of the Census Department resulted in padding the enumerators' rolls in order to increase representation. I do not hesitate to say that this is the best census bill ever brought before the Congress, but at the same time I assert that in my opinion this item sought to be amended is vicious and should be changed. If Director North can be given his way, if he can control the selection of his force, we will have a more accurate, a more efficient, and a more economical census than has ever been taken before in the history of our country. [Applause.] I sincerely hope the amendment of the gentleman from Massachusetts will be adopted.

Mr. SULZER. Mr. Chairman, I have just a few words to say. I shall vote for the amendment offered by the gentleman from Massachusetts [Mr. GILLET]. It is in line with real civil service. An experience of years in public life has convinced me of the efficiency of the merit system, and for one I shall never do anything to break it down. I believe the adoption of this

amendment will facilitate the work of the Census Bureau and be for the best interests of the Government. These clerks should be appointed under the competitive system. It will be fair to all. It will be best for all. We can trust the Director of the Census Bureau to provide that these examinations shall speedily be held all over this country and in ample time to get the very best clerks the country can produce for this service. I attach no importance whatever to the objections of the gentleman from Indiana [Mr. CRUMPACKER] to this amendment. They are untenable and, it seems to me, farfetched. I am in favor of true civil service—in a real merit system of appointment—as the best method of selection thus far devised. Hence, I hope the amendment will be adopted in the interest of the best service, in the interest of all the people of the country, and for the most efficient work in securing the next census.

Mr. DOUGLAS. I would like to ask the gentleman from Indiana, the chairman of the committee, a question: Where in the bill is the expression "decennial census period" defined?

Mr. CRUMPACKER. In section 2 of the bill. It there defines the words "decennial census period," and in another section provides that the temporary clerks appointed under the provisions of law shall be in the public service no longer.

Mr. DOUGLAS. I understand that, but whereabouts in section 2 is the definition?

Mr. CRUMPACKER. At the beginning.

Mr. DOUGLAS. I beg the gentleman's pardon, but I had not noticed it.

Mr. MANN. Mr. Chairman, while I do not like the exact form of the amendment offered by the gentleman from Massachusetts [Mr. GILLET], I take it that if that amendment should be adopted, in some way the bill would finally be perfected so as to cover what the House has expressed itself in favor of. The real question after all is the efficiency of taking the census. Every Member of this House knows perfectly well that already he has been appealed to by a number of persons for employment as clerk in the Census Office. These people who come to us needing employment, anxious for position, as a rule are not the best gifted for the work. While we would desire to appoint them, we owe to the people at large the responsibility of taking the census in the best form and of giving to the country the most efficient service possible.

While I do not believe that the civil-service system, so called, is the ideal way of making appointments, yet in practice it works far better than making appointments through the recommendation of Members of Congress, as much as they may desire to give the very best people recommendations.

Now, I can understand why my friends on the other side of the aisle might have had some hesitancy in voting for this amendment before election, but I can assure them that in the division of spoils in the Census Bureau, if this amendment be not adopted, in the end the people on this side of the aisle will receive a larger quota than the gentlemen on my left. And you will stand a better show for your constituents, putting them up for competitive examination side by side with ours; and if your desire is to obtain their employment in the District of Columbia for this work, then you ought to vote for the amendment purely on the spoils theory. If you desire an efficient service for the Government, you ought to vote for the amendment on that ground. [Applause.]

Mr. MADDEN. Mr. Chairman, I assume that the thing in which we are all the most interested is to have the business of the Government conducted along the most efficient lines with due regard to the proper economy of expenditure of the public funds.

If the proper methods were pursued in the conduct of the business of the Government the heads of all the departments would be given a free hand in the selection and discharge of the men employed in those departments. Inasmuch as that can not be, perhaps the most successful way after that is the one now employed. The work of taking the census is perhaps as important as any work that comes under the jurisdiction of the Government. This work should be done as quickly as possible, as accurately as possible, and as economically as possible. Now, whether the amendment offered by the gentleman from Massachusetts [Mr. GILLET] is the best way to make these appointments or whether some other method could be employed that is better, I am not prepared to say.

But it seems that the suggestion made by him meets the case from a business view point better than any suggestion that has been offered from any other source. I have no desire as a Member of Congress to ask the department heads for any places for my constituents, but I believe that every American citizen has the right to appeal to the Representative of the territory in which they live for employment in the government service, for, after all, Members of Congress are only the

servants of the people; and after they are elected they ought not to become so high toned that the people can not appeal to them for the things they want or think they ought to have. What is needed in the taking of the census is to save as much time as possible and as much money as can be saved, and at the same time get the best census that can be had with the money expended and the men employed, and I believe that inasmuch as we have not yet reached that stage of courage where we are willing to give a free hand to the Director of the Census to employ such men and women as he pleases, the next best thing for us to do is to adopt the amendment providing for competitive examinations, and that such appointments as may be made shall be made from the lists of those who have passed these competitive examinations.

Mr. McGUIRE. Mr. Chairman, the gentleman from Illinois [Mr. MANN] states that all Members of Congress have been appealed to by persons seeking employment, and that a good many of those persons seeking employment are incompetent. That is always the case. However, Mr. Chairman, the fact that persons may appeal to the Members of Congress and in this way seek employment is no evidence of itself that the person seeking employment is incompetent. I take this to be true for the reason that not only the gentleman from Illinois, but every person upon this floor has quite recently appealed to the people of this country for employment, and the fact that that has been done is no evidence, at least as to the gentleman from Illinois [Mr. MANN], judging from his able services in the past, is incompetent. I do not believe that a Member of Congress should shirk his duty to his constituency. One of the duties of every Member on this floor is to see to it, so far as he is able, that his district has its due share of representation in this Government, and by a competitive examination there are many sections of this country seldom reached. By a noncompetitive examination every district in the country and every State will be reached with a representation. [Applause.] Thereby the service may not be improved, but the efficiency of the service, in my judgment, will not be diminished, but will be more in conformity with the policy and duties of a free government, to have every community represented and fairly and honestly represented. [Applause.]

Mr. WILSON of Pennsylvania. Mr. Chairman, the contentions in connection with this proposition all hinge around the question of whether or not examinations shall be competitive or noncompetitive. The bill as proposed by the committee provides for an examination of applicants for positions in the Census department and in the taking of the census. The amendment merely provides that the examination shall be upon a competitive basis. As one member of the committee, I am opposed to that amendment for two reasons, first, because under the method provided by the committee greater opportunity is given to the Census Bureau to organize rapidly for the taking of the census during 1910 than would be possible under the amendment; and, secondly, because I realize that those points that are brought out in a competitive examination do not show all of the qualifications that are necessary for the work. [Applause.] A man may be able to pass a competitive examination and stand at the head of the list and yet his disposition be such that he would be incompetent to perform the labor. What should be required is, first, that an examination shall be passed to show that the men who are applicants are competent, and then permit the chief of the bureau to make a selection from amongst all of those that so qualify, so that he can get men who are energetic enough and whose disposition generally is such that they are competent to perform the office. I am opposed to the amendment. [Applause.]

Mr. LANGLEY. Mr. Chairman, I had not intended to participate in the debate on this section, and I shall do so now for a few minutes only. I had an experience as the appointment officer of the Twelfth Census which enables me to speak with some authority on this subject. Gentlemen who are advocating this amendment seem to proceed upon the theory that Members of Congress are inclined to recommend the appointment of persons who are inefficient and unworthy of appointment. That was not my experience. [Applause.] With but few exceptions, I found that Members of Congress recommended applicants who were representative citizens of their districts. [Applause.]

And I undertake to say further that the force of clerks obtained in that manner was as efficient and faithful as any employees in any bureau or department of the Government obtained through civil-service channels. [Applause.]

Mr. CRUMPACKER. Will the gentleman permit an interruption?

Mr. LANGLEY. Certainly.

Mr. CRUMPACKER. Right in that connection I want to quote from a statement made by Director North to the com-

mittee in reference to the efficiency of the force of clerks and the force that is in the office now. He said:

When the temporary office was made permanent the aim was to obtain of the thirty-five hundred clerks the most efficient of those clerks, and as a rule that was successfully accomplished, and as a result of that I believe that I can truly say, and I believe that I am duty bound to say, that at the present moment, in my judgment, the clerical force of the Census Office is the most efficient clerical force anywhere in the city of Washington.

Now, those were selected by Congressmen.

Mr. LANGLEY. I am obliged to the gentleman from Indiana for calling my attention to this statement. Not only that, Mr. Chairman, but I want to say in justice to the hundreds of employees who were not retained in the permanent office, because there was not room for them, that they were also an excellent body of clerks. I have in my mind a number of instances in which the best clerks did not pass the highest examination. The gentleman from Texas [Mr. BURLISON], who is favoring this amendment, will recall the case of one of his constituents, who succeeded in passing only after three trials and who subsequently became one of our most efficient clerks. There seems to be an impression that under the provisions of this section, as reported by the committee, there will not be a proper test of efficiency. There will be such a test, however, because the examination will be prescribed by the director, who will fix the minimum per cent that applicants must attain before they will be considered for appointment, and the examination will be conducted by the Civil Service Commission, which will insure absolute fairness, presumably, to all applicants. This is a decided step in advance of the Twelfth Census law in this respect.

Mr. GILLET. May I ask the gentleman how that man happened to get three examinations?

Mr. LANGLEY. Because he was near enough to the passing point to entitle him to a reexamination under the rules which the director had prescribed.

Mr. GILLET. Do you mean to indicate that there was not any pressure by his Congressman?

Mr. LANGLEY. In that particular instance I do not recall that there was.

Mr. GILLET. What was the rule, may I ask? Do you mean to say that a man who came pretty near passing one examination could try again?

Mr. LANGLEY. I do not recall the rules in detail. If the applicant's examination indicated that he was likely to make an efficient employee in certain branches of the work, that fact was considered as a very material point by the examiner in passing upon his application for reexamination.

Mr. OLMSTED. And, if the gentleman will permit, do I understand that under the regular civil-service rules persons are not permitted to take more than one examination? I know of one stenographer who took three before he got in.

Mr. LANGLEY. Exactly so. I know of a number of instances in which persons who barely passed the census examination were much more efficient in the census work than persons who were appointed by the director on strength of a much higher rating by the Civil Service Commission, which was accepted in lieu of the census examination.

Mr. GILLET. Of course in the case suggested by the gentleman from Pennsylvania the man waits and studies and prepares himself to come again. Of course that does not apply in this case. There was not much interval in these three examinations, I take it.

Mr. LANGLEY. Usually not over two weeks—that is, if I correctly recall the practice of—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Kentucky may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. LANGLEY. I was just proceeding to say, Mr. Chairman, that a purely clerical test does not bring out all of the points that the Director of the Census may desire to consider in connection with appointment, and I think it would seriously handicap the work of the office if the proposition of the gentleman from Massachusetts should be adopted, so that the director would be prevented from appointing entirely efficient applicants who have passed a test which he regards as satisfactory and is compelled to appoint persons who are in reality less adapted to his work, merely because they happened to secure a higher rating in the examination. We did not have much difficulty in meeting the pressure that was brought to bear in connection with appointments in the Census Office during the Twelfth Census period, and I think the difficulty in that respect in carrying on the work has been greatly exaggerated by gentlemen who

are advocating this amendment. My observation was that the privilege which Members of Congress had in aiding in the selection of the clerical force of the Twelfth Census was an advantage rather than a disadvantage to the service, and I think it would be a mistake to adopt the amendment proposed by the gentleman from Massachusetts, the effect of which would be to deprive them entirely of any voice in the matter.

Mr. GILLET. May I ask the gentleman if the Director of the Census, Mr. Merriam, did not say that nearly all of his time for a year and a half was taken up by Members of Congress about appointments?

Mr. LANGLEY. The gentleman must be mistaken. The proportion he mentions is altogether too large; as the appointment clerk of the census, I relieved the director of a large part of this pressure.

Mr. MANN. Will the gentleman yield to a question?

Mr. LANGLEY. Certainly.

Mr. MANN. Permit me to testify in that regard that the only gentleman I ever saw was the gentleman from Kentucky [Mr. LANGLEY] whose efficient service at the time adds now very largely to the value of his opinion.

Mr. LANGLEY. I thank the gentleman.

Mr. MANN. Under this proposition, both propositions, I understand, contemplate the same examination by the Civil Service Commission.

Mr. LANGLEY. Yes.

Mr. MANN. Which, under this authorization, can not be monkeyed with, as each one takes the examination?

Mr. LANGLEY. The effect of it would be that the applicant would present himself to the Civil Service Commission for examination, and if he passed his name would be certified to the director as an eligible for appointment.

Mr. MANN. The same examination is given in every case?

Mr. LANGLEY. Yes; I do not take it that this amendment would interfere with that.

Mr. MANN. The amendment provides the same thing.

Mr. LANGLEY. But it would interfere with the Members of Congress having anything whatever to say regarding the persons who should be appointed.

Mr. MANN. The question is really who shall designate and how they shall be designated for examination.

Mr. LANGLEY. Subject, of course, to the condition that they must pass the examination required by the director.

Mr. MANN. There is nothing in the amendment and there is nothing in the bill which suggests how people shall be designated. Even under the amendment of the gentleman from Massachusetts [Mr. GILLET] it might be provided that no one could be examined unless he should be designated.

Mr. LANGLEY. I take it that that would be a question for the Director of the Census to provide for by prescribing suitable rules and regulations. The bill implies that power.

Mr. MANN. Now, one more question. Does the gentleman think that they would be likely to get a better or less efficient service by having the bulk of the employees selected from territory surrounding Washington, or from the city of Washington, or by scattering employees throughout the country, familiar with the different parts of the country?

Mr. LANGLEY. In regard to that, I will say I am so strongly in favor of "scattering" them that I would be willing to yield a little on the other proposition. [Laughter.] I think the bill as reported by the committee is entirely workable, and that the Director of the Census, by having this margin for exercising his discretion, can select a more efficient force of clerks. And I base that opinion on my own actual experience and observation while in charge of the Twelfth Census appointments.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. LANGLEY. Certainly.

Mr. PARSONS. The gentleman stated that where the competitive system existed there were questions the director might wish to ask an applicant that he could not ask now.

Mr. LANGLEY. I merely desired to emphasize what the gentleman from Pennsylvania said, to the effect that a written examination was not always the best test, especially of the applicant's fitness for work of this kind, and that an applicant might have talents in certain directions that a scholastic test alone would not develop. This is peculiarly true in the Census Office, where the work, as has already been stated, is of a temporary and emergency character. [Applause.]

Mr. FOWLER. Mr. Chairman, now as to the question of representation of all parts of the country, it ought to be distinctly understood that these examinations that will be held throughout the United States for this work will not be given

until next July, and the object of passing this bill now is to make ready for the beginning of the work.

I do not know of the examinations the gentleman from Kentucky [Mr. LANGLEY], as appointment clerk, made on the recommendations on the part of Members, nor that Mr. Merriam made, but I doubt very much whether anyone recommended by Members of this House to these gentlemen were rejected because of examinations they made of these men, unless they found them utterly useless and unfit. Therefore the recommendations that went to the gentleman as appointment clerk and to the commissioner were of themselves virtually mandatory, and they regarded them as such.

Mr. LANGLEY. Will the gentleman yield to me for a moment?

Mr. FOWLER. Certainly.

Mr. LANGLEY. I am sure the gentleman does not want to leave a wrong impression as to what I said.

Mr. FOWLER. Certainly not.

Mr. LANGLEY. I tried to state, and the records of the office will bear me out, that there were hundreds and hundreds of cases where men and women were examined and failed to pass and were never appointed, although they were indorsed by some of the strongest men in public life.

Mr. FOWLER. That only bears out what I was going to say—that if they were utterly unfit to fill any of these offices, it showed a want of competency upon the part of Members of the House.

Mr. LANGLEY. Not "utterly unfit," but not up to the standard required.

Mr. FOWLER. Now, the fact is, in the first place, that you will be providing for examinations which shall be held throughout the length and breadth of the land. Now, in the next place, if all these appointments are made from all parts of the country through examinations, when they once are in the service they can be immediately discharged if unfit. On the other hand, the gentleman knows from experience that when a clerk is once in through the recommendation of a Member, the persistency on the part of the Member is so great that it is almost impossible to discharge him when once in the service.

Mr. LANGLEY. The gentleman is certainly mistaken.

Mr. FOWLER. The gentleman from Oklahoma remarked that this was a privilege that he and any other Member ought to have to serve their country by serving some one they wanted to recommend. Now, I take it our duty is to serve our country as against anyone that may be in our particular district, and the question now to decide is whether, in the first place, the service will be better, and in the second instance, whether the service will not be more economical.

Mr. HEPBURN. Will the gentleman allow me to ask him a question?

Mr. FOWLER. Certainly.

Mr. HEPBURN. I certainly agree with you about serving your country, but suppose that you had the power to recommend some one, could you not make such a recommendation as would still enable you to serve your country? [Applause.] Are you obliged, if you had that power, to recommend some scalawag who would rob the country of the salary he would receive?

Mr. FOWLER. No.

Mr. HEPBURN. If the gentleman will permit a second question, then why are you so anxious to protect yourself from the possibility of appointing a scalawag? [Laughter.]

Mr. FOWLER. I do not care to save myself from responsibility on that question, for we have no scalawags in my district. [Laughter.] But the idea I had on that question was that there are but one or two questions before the House. First, whether the clerks will be more efficient and the service better, and in the second place whether it will be more economical to this Government.

Now, the gentleman from Indiana [Mr. CRUMPACKER], read a paragraph in the statement of Mr. North. Of course, after 3,500 to 4,000 clerks have been sifted down until you have five or six hundred you have practically disposed of 3,500 or 4,000; and therefore it does not go to the larger number. Therefore, I hope that this amendment will prevail.

[Cries of "Vote!"]

Mr. KEIFER. Mr. Chairman, if gentlemen desire to vote I do not desire to speak. I do not feel that I can aid this committee materially in ascertaining how we should vote on the amendment of the gentleman from Massachusetts. But I wanted to call attention, however, to the fact that under the bill as it stands now it simply directs that the Director of the Census shall have examinations such as he thinks necessary in order to determine whether the applicant for a clerkship is fit to perform the duty. I do not think that we are

here engaged in determining whether the old Democratic doctrine of "To the victors belong the spoils" shall prevail. We have had such recent talk from the stump. But we have reformed in a hundred years. It is just a hundred years now since the distinguished Virginian, Thomas Jefferson, wrote a letter to his Secretary of the Treasury telling him to be careful in making his deposits that he made them with Democrats that believed in his administration. It is only more recently that the thing was better put and better stated, and more candidly by the distinguished soldier, Andrew Jackson, who bluntly stated it in these words: "To the victors belong the spoils." But we have reformed at this time, and whether through the civil service or not I am not very certain. This talk of civil service is old, too. A man who became distinguished in literature in England went through a competitive examination for a clerkship in the office of the Postmaster-General. He failed in his examination, but some one in authority told him if he would go over to the office and take a seat at a certain desk he could go to work.

He was very prompt in going there, but nobody assigned him any work, until one day he got notice that there was a defaulting postmaster in Ireland, and that he must go over there and investigate and report the conditions of the office. He went to Ireland and found the post-office, but as he had never been in an office of that kind and did not know anything about its management, he did not know how to make an investigation of the office or a report. He never had done anything of the sort. So he went to the culprit and employed him to get up a report showing the condition of his office and his own defalcation. He took this report back to England with him and filed it with the postmaster-general, and he was promoted on account of his extraordinary facility in making that sort of a report. [Laughter.]

We have a most striking instance in this country. There was a distinguished citizen of Ohio who lived in Cincinnati not quite half a century ago who came by stage and otherwise all the way from his home to this city to take a competitive examination for a clerkship in the United States Treasury Department. There were just two competitors. One was from Cincinnati, Ohio, and the other was from the State of Massachusetts, that learned State, even then advanced in education. The gentleman from Ohio failed in the examination and the other man succeeded. Scholastically the man from Massachusetts was the better man. So they turned down the man from Ohio, and he doubtless went grumbling back to his office in Cincinnati; but in 1861, in the month of March, that same citizen of Cincinnati held a little review in the Treasury Department in this city as Secretary of the Treasury. [Applause and laughter.] That was Salmon P. Chase, afterwards Chief Justice of the Supreme Court of the United States. Among the first of those who came by in review was a man bowed down with toll carrying his arms in front of his knees. He came at the head of the treasury clerks to pay his respects to the distinguished Secretary of the Treasury, and he was the man who had beaten Mr. Chase in the competitive examination a long while before. [Laughter and applause.]

Now, whether these things throw any light upon the examination necessary here to determine the manner in which these temporary clerks should be selected, I do not care. I am rather inclined to think the bill is all right as it is, and that if the Director of the Census wants to institute a severe examination as to the qualifications of clerks he can do so under the present bill, and it will be his fault if he does not get capable men and women as clerks to administer his office.

Mr. CRUMPACKER. Mr. Chairman, just a word before we vote. I want the committee to bear in mind the fact that there will not be any undesirables or incapables on the eligible list at all. In the first place, the examination will be of such a character as to illustrate the fitness and competency of every applicant who successfully passes it. The examination is to be conducted by that immaculate and incorruptible piece of administrative mechanism, the Civil Service Commission. So you can rest assured that the Director of the Census, with as much at stake as he has, will prescribe an examination that will secure efficient clerks, and that the examinations will be administered in a thorough and conscientious manner.

I think that is the proper view to take. The only benefit that the amendment suggested by the gentleman from Massachusetts [Mr. GILLET] will have, will be to relieve the Director of the Census of the pressure that may be brought to bear upon him in making selections among men and women who are all competent, all efficient, who have been certified to him as competent by the Civil Service Commission. No scalawags from anybody's State can get on the list.

Under the amendment of the gentleman from Massachusetts

I insist that the dispatch of the work in the Census Office would be seriously embarrassed, because the director may want an addition to his force for immediate work. There may be men and women at hand who are eligible. Under the plan of the gentleman from Massachusetts the director could not choose them, but would have first to notify those who by accident or good fortune had higher grades. He would have to notify them first and give them an opportunity to get ready to come to Washington and enter the service. I am an advocate of the merit system, but I believe a little business sense ought always to be injected into it. This is emergency work that we are undertaking to do. We will have no time for delays. A great army in line of battle has not time to conduct a civil-service examination to select the best men to carry muskets, and that principle applies to some extent to the administration of the great work of taking a decennial census. The proposition reported by the committee in nowise discredits the merit system. Our civil-service law is a good law as applied to the permanent service, but we want to exercise some sense of discrimination in its application to the work we are engaged in providing for.

We do not want to use it for the purpose of embarrassing, but for the improvement of the public service. Mr. Chairman, I ask for a vote on the amendment.

Mr. HEPBURN. Mr. Chairman, I would like to inquire of the gentleman in charge of the bill if the supervisors and enumerators, the special agents and interpreters, are under the civil service under the terms of this bill?

Mr. CRUMPACKER. They are not.

Mr. HEPBURN. Mr. Chairman, that fills me with alarm. [Laughter.] I am alarmed for the gentleman from Massachusetts. I am afraid that he has fallen from his high estate as a civil-service reformer. This bill under its terms as it stands now provides for putting some 3,000 people under the civil service, and yet 59,000 people that are provided for by the terms of this bill, who actually do the work, upon whose efficiency, industry, and integrity the value of this great work is to depend, are not protected from the rapacity of the spoilsman. I would like to know from the gentleman what this means. Has he recanted all the diatribes we have heard from him in the years past in regard to spoilsmen and the spoils system and the immaculate virtues of the merit system—has he gone back on all that?

We find him even now, Mr. Chairman, by the motion he makes, trying to emasculate the bill as it is and refuse to protect the Members of this House from the importunities and possible wrongs that may result from the charwomen, and the messengers, and the assistant messengers, and messenger boys, and the watchmen because of their passion for appointments. [Laughter.] Why not keep them under the civil service? Why not protect the membership of this House from the temptation to indulge in the spoliation of the Government? [Applause and laughter.]

Mr. Chairman, this bill, or the provisions in this bill, in my judgment, are a fair representation of the pretenses of our civil service. [Applause.] The fact is we have no improvement in the public service by our civil service. No man can point it out. There is no improvement in the character and efficiency of the clerks and employees that are affected by civil service. Look at the old clerks that we have now that were appointed under the "spoils system." I can point out a half a dozen for whom I had some instrumentality in securing places, among the best men in my district, who are to-day efficient clerks and, although they have been in the service for twenty-five or more years, will compare most favorably—ah, most favorably—with those that you secure under your so-called "improved merit system"—a system that gives you no knowledge of the fitness of the clerk whatever except scholastic attainments. How do you know anything of the industry, of the integrity, of the adaptation, of the clerks that you secure under your so-called "merit system," and that you propose to apply to those that are now to be taken into the service?

Mr. Chairman, I submit that this so-called "civil service," or the argument in favor of it, is simply a cowardly attempt to avoid the responsibilities that men take upon themselves when they need friends. [Applause.] Why should not the man who has been the beneficiary of kindly service for months and years of his friends at home, men who made him and brought him to the position where he may reap honor and be of service to his country, why should not he have some care, some solicitude for the ambitions and desires of that man?

Why, Mr. Chairman, all of these promotions and all of these honors are but relative in comparison. The man who wants to be a clerk wants to be a clerk as badly as a man who wants to be a Congressman. To him the clerkship is equally as desirable

as the other place of honor to the other man. I do not think that because a man has the power to recommend in such a way as possibly his advice will be adopted and the appointment of a friend made, that therefore he becomes a spoilsman. The mere conferring of the power does not corrupt. If the man is corrupt, if he makes an improper recommendation, if he yields to solicitations that ought not to be yielded to, it is not because of the system, but because of an innate corruption in himself. [Applause.] I have never recommended to place man or woman that I have been ashamed of or who has failed to render proper service, and I do not believe that the membership of this House needs the protection of these superserviceable gentlemen who are so free to throw epithets at them, calling them spoils-men and arrogating to themselves vast superiority because they try to cover themselves with a mantle that they call the "merit system." [Applause.]

Mr. GILLET rose. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. GILLET. Mr. Chairman—

The question was taken.

Mr. GILLET. Mr. Chairman, I addressed the Chair.

The CHAIRMAN. But the gentleman could proceed only by unanimous consent.

Mr. GILLET. Well, Mr. Chairman, I think I might at least have an opportunity to ask unanimous consent. I ask unanimous consent that I may be allowed to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GILLET. Mr. Chairman, I did not intend to say another word, and I am very sorry now to occupy the time of the House, but the gentleman from Iowa has so pointedly referred to me, has spoken of diatribes that I have issued against spoils-men, of the assumption of virtue which I have made, that I think I am entitled and I ought to say a word about it. I think the gentleman, if he will look back over the past many years that we have served together—and I am happy to say with great friendliness, but always at odds on this issue—will recognize that the epithets have not come from me, that the severe language has not come from me, but that if it has come from anywhere, it has come from the gentleman himself and those whose opinions have been like his. I think that always I have acted with courtesy, without any assumption of superiority, or purity, and without ascribing to him and those who agree with him any motives of which they should be ashamed and that therein I have differed from my opponents.

But, Mr. Chairman, I am not willing to let pass uncontroverted the statement that he made, for I do believe, contrary to his express opinion, that the system which he has always so vigorously upheld is vicious, fundamentally, and that the change which has come over all our civil service in Washington has immensely improved that service. Moreover, I believe, and I am glad that this bill recognizes it, that this service has so far justified itself in the opinion of the great mass of the people of the United States that the gentleman and his friends no longer dare to put on the statute books the authority for appointments which used to prevail. Civil service is not ideal. I have always admitted it was not. It does not pretend to be ideal, but it is infinitely better than the system whose place it took, and for proof of that you only need to go back to the debates in Congress when this question first came up and read the condition of the departments at that time and look at the condition of the departments now, and no candid man can fail to see that the civil service has infinitely improved not only the work but the economy of administration and the relationship between the executive and the legislative; and this bill of itself—and I am glad to admit I believe this committee adopted the best bill they thought they could carry through this House—this bill admits the wisdom of examinations. It provides for an examination, and, in my opinion, it simply does not go far enough, and the reason it does not every Member in this House knows is not because of the relative merits of the two systems, but is because the members of Congress want the patronage. [Applause.]

Mr. COOPER of Wisconsin rose. [Cries of "Vote!"]

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. Is there objection?

Mr. DWIGHT. I object.

The CHAIRMAN. Objection is heard. The Chair will again put the question. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by

Mr. GILLET and Mr. SULZER) there were—ayes 65, noes 119.

So the amendment was rejected.

Mr. WALDO. Mr. Chairman, I now desire to call up my amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 4, line 24, by striking out the words "to the law of apportionment or," so that it shall read: "That they shall be selected without regard to the political party affiliation," etc.

Mr. WALDO. Mr. Chairman, I have always believed, and I still believe that those who are in the public service of the Government should be apportioned throughout the United States according to population, as they are now under the civil-service law. If these words in the bill, which the amendment proposes to strike out, are allowed to stand, together with the word "non-competitive," it will make the law so that the whole force may be appointed from the city of Washington or from the State of Washington or from Oklahoma. Now, that is clearly against the principle upon which the public service has been conducted for many years, and it is something that ought not to be left in the power of the Director of the Census. I was opposed, and I am still opposed, to the abolition of competitive examinations and making them noncompetitive. If these examinations are to be noncompetitive, that merely means that whoever receives the strongest political support is going to be appointed to these offices.

Those places in the United States represented by officials of the greater power and influence will most assuredly receive the larger proportion of these appointments, and we know it just as well now as we will after they are made. This is most unfair to the country at large. The question as to the patronage to be distributed by the Members of Congress under this bill is a matter of little moment, but it is of great moment to the country and the citizens of the country that they shall all have a fair opportunity to enter into the public service. Unless this amendment is adopted this measure will deprive them of any such opportunity. No assurances that may be made by the Director of the Census or by his employees can make that any different, because it certainly will follow, if these two provisions stand as in this bill, that the greatest political pressure will appoint these census employees. These are not strictly temporary appointments. These appointments will last two or three years. It is only those appointments to which the gentleman from Iowa referred that are temporary—the supervisors and inspectors whose work is practically done in thirty days—but these employees affected by the amendment are men who ought to be under civil service. They are men who will be two or three years in service, and a large proportion, if not all of them, will be transferred from this service, as they have been in the past, to the permanent civil service of the Government. I therefore hope this amendment will prevail.

Mr. MANN. Will the gentleman yield for a question?

Mr. WALDO. Certainly.

Mr. MANN. I do not know how far the gentleman has looked up this matter in detail—

Mr. WALDO. I have not.

Mr. MANN. But I understand that unless the law of apportionment is waived the State of New York has no apportionment in the Census Office at all.

Mr. WALDO. That would be immaterial to me.

Mr. MANN. Oh, I understand; but the State of Illinois, the State of Maryland, and other States would be in the same condition, because their quota is now in excess of the apportionment.

Mr. WALDO. If that be true, they ought not to get any apportionment under this bill.

Mr. MANN. But I do not know whether the Census ought to draw all the clerks from Oklahoma, as the gentleman suggests; the most of them would come from there if the gentleman's amendment prevails.

Mr. WALDO. I doubt it very much.

Mr. MANN. That is a fact.

Mr. WALDO. If it is true that any State has more than its proper proportion, then the appointments under this measure should be distributed all around the rest of the United States. If the rest of the United States can not provide proper men to fill these positions, they will be taken from any place in the United States where proper and qualified men can be found.

The question was taken, and the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out all of the proviso in lines 4, 5, 6, 7, 8, 9, 10, and 11, on page 5, ending with the word "examination."

Mr. DE ARMOND. Mr. Chairman, this provision is for the transfer of persons who have had experience in census work—how much or how little or what time is not mentioned—in the Census Bureau, and then after service there shall make them eligible without examination to any appointment in the departmental service.

Now, it will be noticed that preceding that there is a paragraph that provides for the selection of persons of previous experience in census work, at the option of the Director of the Census. I do not just understand what the object of this provision is, but it seems to me that the effect can not be good. One may have been in the census in any capacity without getting any familiarity with special census work, any technical knowledge, yet having been employed in the Census department at some time or another and being now in some other departmental service, as a janitor or in any other position, that person may be transferred to the Census Bureau, and having been transferred there shall be eligible to appointment in any departmental service thereof without any examination at all. It seems to me that the effect will be bad and that no good result can come from the retention of that provision. I will be glad to hear from the chairman of the committee or some other gentleman in regard to it who will explain the purpose of it.

Mr. CRUMPACKER. The purpose of this provision is to authorize the transfer of certain clerks now in other branches of the service who have had previous experience in the Census Office and who are more or less skilled for the purpose of promoting the administration of the census law. The same kind of provision, as I recollect, was in the act for the Twelfth Census. This provision was taken from that act, and a few clerks were transferred by the order of the head of the department upon the requisition of the Director of the Census. They were clerks that were already in the classified service, and the work of the Census Office is of that peculiar character that it is important to have as many experienced clerks and employees in the office during the temporary period as possible. And in making these transfers it adds to the efficiency of the force of the Census Office, and when the temporary service is over, of course, it is due to the clerks who have been transferred and are in the classified service to provide that they may be reappointed in the classified service again. That is the purpose of the provision, and it is identically the same provision that Congress incorporated in the act providing for the Twelfth Census.

Mr. DE ARMOND. Mr. Chairman, the gentleman from Indiana [Mr. CRUMPACKER] speaks of clerks in the classified service. Now, if this provision related to clerks in the classified service only, and so stated, it would be a different provision, but we know it says "employees," and it says, "in other branches of the departmental service," having no reference at all to whether those clerks are in the classified service or in the unclassified service, whether they are clerks at all, or whether they are employees of some other kind, and whether they have any special knowledge of census affairs or not. It merely provides that anybody who has had experience in the Census Bureau and is in the departmental service may be transferred to that bureau, and then, after being transferred and after service there, shall be eligible to appointment to any departmental service without examination.

If the gentleman from Indiana [Mr. CRUMPACKER] would make the provision according to his suggestion concerning the matter, I would see no objection to it. But it does not say "clerks," and it does not say "classified service."

Mr. CRUMPACKER. That is what it means.

Mr. OLMSTED. If the gentleman from Missouri will permit, would it not answer his purpose to insert "classified" in line 5, so as to read "departmental classified service?"

Mr. DE ARMOND. It does certainly improve it very greatly.

Mr. OLMSTED. That would prevent temporary employees going into the Census department and then going into the classified service permanently without examination.

Mr. DE ARMOND. The point I am trying to make is that they need not be clerks at all, but janitors, doorkeepers—anybody who has once served in the Census Bureau.

Mr. LANGLEY. The gentleman will notice that the language in line 10 is "for positions of similar grades." That refers to a position of like grade that he occupied before.

Mr. DE ARMOND. I take it that it is a position of like grade occupied in the Census Bureau.

Mr. CRUMPACKER. Permit me to suggest to the gentleman from Missouri, reading this provision as a whole it is clear that it applies to classified positions only, because it authorizes the transfer without examination, and only the classified service provides an examination for transfer. Those who are not in the classified service may resign one place and be appointed in another without any authority of law.

So it refers clearly to the classified service, and the term "employees" covers clerks. It is merely to give the director authority to secure the services of those in other departments that may improve his own. Of course we might safeguard and prescribe the different kinds of clerks, possibly name those who have had experience in the census work before. But we confer upon the Director of the Census a certain latitude of discretion in making requisitions, of course.

Mr. DE ARMOND. Well, if the gentleman will permit, would it not be better to say "clerks in the classified service," or "employees?" Then it could not mean something else.

Mr. LANGLEY. No; because the director might want to transfer some one else who might not come under that designation—chief of division, for example. I do not think it would be wise to limit to any special designation, such as that.

Mr. DE ARMOND. The point I want to make is that it not only covers clerks in the classified service, but covers employees also. It takes those who once have been employed in the Bureau of the Census, because at the present they are duly transferred, being employed in the departmental service, may be permanently transferred to the classified service. No question as to what the employment in the Census Bureau was and as to any degree of efficiency or lack of it. No question as to the employment in the departmental service; but once in the Census Bureau—at the time transferred to the departmental service—this person is eligible to the regular service after expiration of employment in the Census Bureau. There is where you may have very great abuse, and do very great injustice to the other clerks. I think the suggestion made by the gentleman from Pennsylvania [Mr. OLMSTED] and the suggestion made by the gentleman from Indiana [Mr. CRUMPACKER], if what these men were stated in the bill, it would remove the objection. If it means clerks in the classified service, if it means employees in the classified service, let us say so. If it means people who have come in by virtue of examination and therefore do not need an examination to be transferred to the Census Bureau and ought not to be required to take an examination to be transferred back, let us say so, and not leave it so loose that a janitor of the Census Bureau may be appointed to the classified service after being a janitor in the Census Bureau, without any examination.

Mr. OLMSTED. I offer the following amendment.

The CHAIRMAN. There is an amendment pending.

Mr. OLMSTED. This is a preferential amendment, to perfect the text.

The Clerk read as follows:

Amend by inserting the word "classified" between "departmental" and "service," in line 5, page 5, so that it will read, "departmental classified service."

The CHAIRMAN. The question would not be in order while the other amendment is pending.

Mr. OLMSTED. I submit it is in order to perfect the amendment before striking the words out.

The CHAIRMAN. Very well.

Mr. OLMSTED. Mr. Chairman, I am in harmony with the views expressed by the gentleman from Missouri. The provision as it now stands would, I think, permit the transfer of unclassified employees from other departments who are now on temporary appointment. As the act now stands it would further permit them being transferred to the Census Bureau and then at the end of the census period transferred to the other departments without examination. By inserting the amendment I have suggested, I think the objection of the gentleman from Missouri will be covered, so that it will state those who are transferred were those in the classified service. It will limit it to those who are in the classified service and permit none to go into the classified service without an examination.

The CHAIRMAN. The question is on the amendment.

Mr. CRUMPACKER. I can see no objection to the amendment offered by the gentleman from Pennsylvania, but I think it adds nothing new to the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment moved by the gentleman from Missouri to strike out.

The question was taken, and the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I wish to offer another amendment.

The Clerk read as follows:

Amend by striking out the words, "and at the end of such service the employees so transferred shall be eligible to appointment to positions of similar character in any department without examination," in lines 8, 9, 10, and 11, page 5.

Mr. CRUMPACKER. Mr. Chairman, I suggest a question of order in relation to that amendment. A motion to strike out

the proviso was made by the gentleman from Missouri, and all amendments calculated to perfect that part of the text proposed to be stricken out should have come before the motion to strike out. The gentleman's motion to strike out the proviso was the first motion made. The gentleman from Pennsylvania [Mr. OLMSTED] then submitted a preferential motion to amend the text, which was adopted. Then the Committee of the Whole House refused to strike out the proviso. I suggest that the amendment now proposing further to change the text is not in order.

Mr. DE ARMOND. Mr. Chairman, I think the amendment is not subject to the objection. It is an entirely different and distinct amendment from the other, and an amendment perfecting the clause which this would strike out would now be in order, of course.

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. DE ARMOND. Now, Mr. Chairman, it appears to me that this provision is an unnecessary one. If a person who has been transferred possesses the necessary qualifications, it is no hardship to take the examination again. If a person does not possess the proper qualifications for any particular position, there is great necessity why the examination should be taken. I do not care, however, to discuss the matter. It appears to me that there is no measure of injustice to the person transferred, because he can take his transfer or not. He takes the chance of getting into another and permanent service or to drop into the temporary branch of it and go out of the service. If he goes out of the service he goes by his own election; he is not transferred except with his own consent. If he goes out of the service by happening to be one of the supernumerary employees dropped, it seems to me he ought to get into it again, if he gets into it at all, just as anybody else would have to do.

Mr. CRUMPACKER. Mr. Chairman, a word upon that amendment. I think the gentleman from Missouri will agree with me in the view that clerks in the classified service may be transferred by an order of the head of a department without their own consent. The order of transfer is compulsory. It would hardly be fair to transfer a classified clerk into an unclassified position for a period of a couple of years, when he would lose the right under the law to be reappointed, and then require him to take a civil-service examination again to get back into the classified service. This is simply to protect the rights of a clerk in the classified service who may be transferred against his will into this temporary service to make it more efficient. Therefore I think the gentleman from Missouri ought not to insist upon his motion.

Mr. DE ARMOND. I will offer an amendment, then, to perfect the provision. I move to insert the words "against their will" in line 9, so that it will apply to this class, as the gentleman suggests it should do. There will then be no objection to it.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

In line 9, after the word "transfer," insert the words "against their will."

Mr. CRUMPACKER. I think that amendment hardly needs discussion from our side. Clerks may often be willing to go at the mere suggestion or request of the head of the department, for the promotion of the general efficiency of the service, and they ought not to lose their status at all, whether they go willingly or unwillingly. They can not go of their own motion. They can only go upon requisition and the order of the head of a department. Therefore I think both amendments ought to be voted down.

Mr. DE ARMOND. Mr. Chairman, my intention in offering the amendment was to meet exactly the suggestion made by the gentleman from Indiana with reference to the clerks transferred against their will. Now, that amendment exactly coincides with the suggestion that he made in opposition to the other amendment. Assuming that his suggestion was made for what it implies and means, I offered that amendment to perfect the provision, so that it would have just the meaning which he gave to it in his former remarks.

Mr. CRUMPACKER. If the gentleman is serious, will he allow a suggestion? I offered that remark simply as an illustration of the absolute injustice of the gentleman's proposition to strike out. That is all.

Mr. DE ARMOND. Well, the amendment is offered to illustrate the gentleman's remarks.

Mr. CRUMPACKER. I call for a vote.

The amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Missouri to strike out.

The question was taken, and the amendment was lost.

The Clerk read as follows:

SEC. 8. That the Thirteenth Census shall be restricted to inquiries relating to population, to agriculture, to manufactures, and to mines and quarries. The schedules relating to population shall include for each inhabitant the name, relationship to head of family, color, sex, age, conjugal condition, place of birth, place of birth of parents, number of years in the United States, citizenship, occupation, school attendance, literacy, and tenure of home.

The schedules relating to agriculture shall include name of occupant of each farm, color of occupant, tenure, acreage of farm, value of farm and improvements, value of farm implements, number and value of live stock on farms and ranges, number and value of domestic animals not on farms and ranges, and the acreage of crops as of the date of enumeration, and the acreage of crops and the quantity and value of crops and other farm products for the year ending December 31 next preceding the enumeration.

The schedules of inquiry relating to manufactures and to mines and quarries shall include the name and location of each establishment; character of organization, whether individual, cooperative, or other form; character of business or kind of goods manufactured; amount of capital invested; number of proprietors, firm members, copartners, stockholders, and officers and the amount of their salaries; number of employees and the amount of their wages; quantity and cost of materials used in manufactures; amount of miscellaneous expenses; quantity and value of products; time in operation during the census year; character and quantity of power used, and character and number of machines employed.

The census of manufactures and of mines and quarries shall relate to the year ending December 31 next preceding the enumeration of population and shall be confined to mines and quarries and manufacturing establishments which were in active operation during all or a portion of that year and had a product valued at \$500 or more. The census of manufactures shall furthermore be confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood or household industries.

Whenever he shall deem it expedient, the Director of the Census may charge the collection of these statistics upon special agents or upon detailed employees, to be employed without respect to locality.

The form and subdivision of inquiries necessary to secure the information under the foregoing topics shall be determined by the Director of the Census.

Mr. KEIFER. Mr. Chairman, I desire to offer an amendment on page 6 of this section of the bill, and I send the amendment to the Clerk's desk.

Mr. SLAYDEN. Mr. Chairman, a parliamentary inquiry: When we offer amendments to the various paragraphs of section 8, will they be entertained by the chairman of the committee in the order in which the paragraphs appear in the bill? For example, if an amendment is offered to paragraph 1 of section 8, will that be entertained before an amendment offered to paragraph 2 of section 8?

Mr. KEIFER. Has the gentleman from Texas an amendment to paragraph 1?

Mr. SLAYDEN. I have.

Mr. LAMB. I also have an amendment to paragraph 1.

Mr. KEIFER. I am willing to yield to the gentleman from Texas to offer his amendment first. Whatever method the Chair desires I am willing to yield to. I am willing to offer mine after the gentleman from Texas has offered his amendment to the first paragraph.

The CHAIRMAN (Mr. STERLING.) The amendments may be considered in any order. It is for the committee to determine in what order they will be considered.

Mr. CRUMPACKER. I understand the gentleman from Ohio is willing to yield and withdraw his amendment until amendments have been offered to paragraph 1.

Mr. SLAYDEN. My amendment is to the first paragraph. I offer the following amendment, which I send to the Clerk's desk to have read.

The Clerk read as follows:

Amend by inserting after the word "condition," in line 4, page 6, the following: "including intermarriages of persons of the white race with negroes and Asiatics, usually known as the black and yellow races, and with the descendants of such races."

Mr. SLAYDEN. Mr. Chairman, I hope that every Member of the House will understand that this is a serious effort on my part to get information which I consider valuable and desirable, and which can be had in no other way. I assure the House that I offer it with perfect sincerity; with absolute integrity of purpose in an effort to get valuable information bearing on the social and economic problems of the country which I think we ought to have. I sincerely trust that no gentleman will interpose an objection in the way of a vote or otherwise.

Mr. MADDEN. Mr. Chairman, I would like to have the amendment again read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read the amendment a second time.

Mr. CRUMPACKER. Mr. Chairman, the value of a census is purely statistical, and I am at a loss to know or understand what effect the introduction of this question might have in the

obtaining or gathering of statistics—how far a census enumerator ought to be authorized to go into questions that are more or less of a delicate domestic nature. The inquisitorial power of the enumerator ought to be limited to the things that are necessary for statistical purposes. Now, there are investigations that have in mind sociological results. The Bureau of the Census ought to be kept free as far as it possibly can be from matters of speculation, and its inquiries ought to be free as far as they possibly can be from objectionable investigations—investigations that people might with entire propriety be opposed to. Therefore I personally feel that it would be an unsafe thing to incorporate this provision into the schedule. Nothing of the kind has ever been included in the population schedule in the history of the country.

When we came to collect statistics respecting the women and children in the industries of the country, the point was made that the Director of the Census Office should not make the investigation, because it was of a sociological and economic character; that it involved inquiries that were not proper, perhaps, for a purely statistical investigation. The President of the United States submitted that criticism in a message to Congress, against authorizing the Census Office to make that investigation, and in favor of having it made by the Bureau of Labor. Now, this investigation, if it is proper, might be made by some speculative division or bureau in the Department of Commerce and Labor, but I feel that the Census Office ought to be confined to investigations that are purely for statistical purposes; that can not in any sense be speculative. Therefore I am constrained to object to the amendment of the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I want to assure the gentleman from Indiana [Mr. CRUMPACKER] that the purpose of the amendment is purely statistical. I desire to know, and I have no doubt that an overwhelming majority of the people of this country would like to know, just the things inquired of by the amendment. There is no indication that any man is opposed to or that he does not sympathize with such unions. It is not entering into a discussion of that phase of the question at all; it is purely statistical. All the statistics that are to be gathered by the census have a direct bearing upon the sociological and economic conditions of the country ultimately.

Mr. CRUMPACKER. That is altogether true, Mr. Chairman; but here is a thought that came to me after I sat down: In the preparation of schedules, in the instructions to enumerators who travel about over the country to obtain information, suppose the enumerator visits a home when the husband is away. Would the gentleman have him ask the wife if her husband is a negro or if he is an Asiatic?

Mr. MANN. How would the gentleman from Texas like to have the enumerator ask his wife that question?

Mr. SLAYDEN. That is all right; I am perfectly willing to have the question asked. Being certain of my position, I do not dread the inquiry.

Mr. CRUMPACKER. The gentleman can see at once—I think he ought to—the entire impropriety of arming these 60,000 census enumerators with the power of addressing questions of that kind to the women of a household. Let us avoid the humiliation that might reasonably follow from anything of that kind.

Mr. SLAYDEN. Mr. Chairman, the gentleman has advanced no reason, in my judgment, why this amendment should not prevail, and I hope that the House will take the view that we ought to have this information. It is very desirable, and we should have it. It is just as desirable, I think, and vastly more important, than other sorts of information that we go after in these inquiries. Schedules relating to population are included, and that schedule will include the name of each inhabitant, the relationship to the head of the family, which may be legitimate or illegitimate, the color—and those are not a bit more pertinent than the inquiries I propose—the sex of each and the conjugal conditions, etc. Now, what do you mean by the conjugal conditions—married or unmarried?

Mr. CRUMPACKER. That is all.

Mr. SLAYDEN. Living in legal or illegal relationship?

Mr. CRUMPACKER. No, no; whether they are married or not, that is all.

Mr. SLAYDEN. Very well, Mr. Chairman, if it is important to have this information, is it not more so to have the information I require in my amendment? The color of the people is to be learned. Now, that all goes to a definition of the conditions domestic that obtain in this country, and the inquiry I propose merely goes a little step further. It gives us information on points that are of importance to the entire country, and I think that on reflection even the gentleman from Indiana [Mr. CRUMPACKER] himself will consent to vote for this amendment.

Mr. RANDELL of Texas. Mr. Chairman, I favor the amendment proposed by my colleague, the gentleman from Texas [Mr. SLAYDEN], and I think it a matter of considerable importance. If there is intermarriage between the white race and the black, or the Mongolian, in this country, it is important that this fact should be known. I fail to see the potency of the objection to it. The distinguished chairman of this committee, the gentleman from Indiana [Mr. CRUMPACKER], suggests that it may be embarrassing to have some woman asked about the color of her husband. Why, the bill provides that each citizen shall be described by these enumerators as to "color." That, I do not suppose, means merely the complexion, but it applies to the race; and if a woman is asked as to the color of her husband or a husband is asked as to the color of his wife, I can not see any objection to the census enumerator reporting to us or to the department how many marriages exist in the United States between white and negro and white and Mongolian races.

The enumerator gets the information as to color, anyway. Then why should he not state it in his report in reference to marriages? He gets the information, if he does his duty under the provisions of this bill, which my colleague desires given, as shown by the amendment he has offered here. Then, why not let them report as to how many of these people are intermarried? It may be that it would be embarrassing to somebody; but I do not see why a white man, if married to a negro, ought to be ashamed of it. He is no better than the negro he married. If he has married a Mongolian, we want to know that fact also, in order that the record may show how far a mixture of races has proceeded in this country. If there are no such marriages, then we want the satisfaction of knowing that in this great Republic, under our system of government, and under our present conditions and environments, we are moving on in the progressive march of humanity, keeping the races separate and the blood pure. It seems to me there can be no reason for embarrassment, but that the information here is really of material interest to all sections of the country and ought to be included in the report. It will require no more knowledge, no more inquiry than the enumerators will be compelled to take in doing their duty under this bill. It is simply a law requiring them to extend their report by showing what the status is in reference to marriages of those of different colors, and I hope the amendment will be adopted.

Mr. CRUMPACKER. Will the gentleman from Texas allow a question? How will he have the investigation conducted? Would he authorize the enumerators throughout the country to make these inquiries from the fathers, mothers, and heads of families, or would he require the enumerator to simply report those cases that came to him incidentally?

Mr. RANDELL of Texas. Why, let him make the report that common sense would require him to make. Now he makes the report as to what is the color of the man and his wife; then, why not say that this person of color and this person not of color are married?

Mr. CRUMPACKER. Is it not of as much importance, perhaps greater from a sociological standpoint, to know how many children are the result of illegitimate sexual intercourse between the races?

Mr. RANDELL of Texas. So far as that is concerned, this amendment would assist in ascertaining that fact, because they can state, as required by the amendment, how many marriages are of mixed blood, and then we could have some basis for calculating the illegitimate issue, if you have an interest in that. It seems to me about the only embarrassment there can be in this matter would be the opposition from some race—in fact, from the colored races—that might affect the vote of some Members on this question; but it seems to me it ought not to be embarrassing at all, for the information here is for the good of the country. It is not partisan, it is not political, it ought not to be considered sectional. It is simply a report that should be made on a matter about which we all ought to have information and which I believe would be for the good of this country. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced the yeas seemed to have it.

On a division (demanded by Mr. SLAYDEN) there were—ayes 37, yeas 43.

So the amendment was rejected.

Mr. LAMB. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Section 8, line 6, after the word "home," insert as follows: "and whether or not a survivor of the Union or Confederate Army or Navy."

Mr. LAMB. This is just to enumerate soldiers on both sides, Mr. Chairman.

Mr. MANN. Mr. Chairman, let us have the amendment reported again.

The amendment was again reported.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I have an amendment to the same paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 1, after the word "manufactures," insert "and natural resources belonging to the Government."

Mr. MANN. Mr. Chairman, the effect of that amendment, if adopted, would be to have the census work include a census of the natural resources of the country so far as they are upon the public domain.

We have heard recently a great deal about conserving the natural resources. There is now in the city of Washington a congress, or whatever it may be called, for the conservation of the natural resources. We have at various times different propositions presented before Congress and before the executive branches of the Government for the expenditure of large sums of money for the conservation of the natural resources. Congress and the Executive are now at a disagreement in reference to the use of water power upon the navigable streams of the country. No one knows what the water power is that may be utilized. No one knows what the natural resources may be in the forests. No one knows what the natural resources are upon the public domain of the country. You make inquiry of the Land Office, but they have no knowledge on the subject. You may make inquiry of any branch of the Government, and they have none, or, at least, but little knowledge of the subject, and it seems to me that while we are on the threshold of entering upon the expenditure of large sums of money for the purpose of conserving our natural resources, it ought to be done upon some systematic plan based upon information obtained by us before we go too far.

I have not the slightest doubt that it will become the duty of Congress, will become the inevitable will of Congress and the people, that the resources of the country shall be conserved and protected as far as possible, and that wise policy shall be adopted by Congress in its legislation for that purpose. And the first thing to do is to ascertain what resources we now have on our national domain belonging to the people before we undertake to say what shall be done with, at least, those resources, and before we undertake to say what policy we shall adopt in regard to that domain.

Mr. BONYNGE. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. BONYNGE. Will the gentleman explain how he is going to acquire that information during the taking of a census? Let me put to him a specific question. Take the amount of coal lands in one of the Western States, and how are you going to ascertain the amount of coal or the amount of coal lands in a given State by the census enumerators?

Mr. MANN. Well, the gentleman, of course, is perfectly well aware, as everybody in the world is aware, that it is not possible to tell exactly, or probably even approximately, the amount of anything that is out of sight, that is underground, that is beyond the ascertainment of knowledge. I have heard the gentleman asseverate on the floor of this House in favor of the taking of geological surveys in his State. What do they learn? They learn all that they can, and they present the knowledge to the public and to the Congress. Does the gentleman suppose that such knowledge is complete? Not at all. It is the best they can get.

Mr. BONYNGE. Will the gentleman submit to another question?

Mr. MANN. Certainly.

Mr. BONYNGE. Does he propose that we shall conduct another geological survey while we are taking a census?

Mr. MANN. Not at all.

Mr. BONYNGE. I have talked for a geological survey, because the men connected therewith are equipped to secure the information that we are seeking, but it does not follow that because they are efficient and so well equipped the census enumerators would be equally well equipped.

Mr. MANN. That would depend on who the census enumerators were. The gentleman states that the Geological Survey is well equipped. It has often happened in the past, and it will often happen in the future, that in the ground where the Geological Survey has made a most thorough examination and has reported nothing, they have afterwards found the finest fields of natural resources.

Mr. ROBINSON. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. ROBINSON. I would like to ask the gentleman if he has considered the question of the practicability of getting this information by the Census Bureau, and whether or not it had better be done by other bureaus of the Government, or whether it can be practically done by the Bureau of the Census?

Mr. MANN. Well, I think there will be no trouble in acquiring information, which necessarily will be to a large extent superficial, much of which will not be taken from men in the field, but much of which will be obtained from work already done by the Government; but it is impossible to-day to learn approximately even the results of the work already done by the Government in any tabulated form.

Mr. ROBINSON. Will the gentleman yield to a further question?

Mr. MANN. Certainly.

Mr. ROBINSON. Does the gentleman not recognize the fact that this service he proposes would require the services of experts before the statistics or information secured could be of any practical value whatever, and does he not think that the work had better be done by the bureaus in charge of that particular branch of the work?

Mr. MANN. It is not done by anybody to-day. There is no effort on the part of the Government to ascertain the natural resources of the Government, and no present means of ascertaining anything at all about it.

Just let me ask the gentleman a question. Does anybody know the water powers owned by the Government?

Mr. ROBINSON. I do not know. I would like to ask the gentleman from Illinois this further question: Does not the gentleman from Illinois admit that the kind and character of information which would be secured in this investigation would be practically of little value in his answer to the gentleman from Colorado?

Mr. MANN. Oh, the gentleman does not want to put such language in my mouth.

Mr. ROBINSON. Will the gentleman from Illinois yield to a further question?

Mr. MANN. Certainly.

Mr. ROBINSON. Does he not know and say that the information will be necessarily superficial; and if so, would such information be of value to the country?

Mr. MANN. The gentleman from Arkansas and I are good friends. I do not think the question requires further answer.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ROBINSON. If the gentleman is satisfied with that answer, I am.

Mr. MANN. I think everybody is satisfied.

Mr. CRUMPACKER. I certainly hope the distinguished gentleman from Illinois will not insist upon his amendment; but if he does, I sincerely hope that the Committee of the Whole House on the state of the Union will vote the amendment down. In the first place, the work that his amendment contemplates is not logically statistical work. It is largely investigation of a scientific nature that does not belong to the Census Office. Furthermore, my recollection is that every sundry civil appropriation bill carries a large sum of money authorizing some department of the Government to investigate the water question and the fuel question; and we can instruct the Commissioner of the Land Office to inform Congress of the classification he has made of the mineral lands and the coal lands and the timber lands and the agricultural lands. I presume that information is readily accessible.

Mr. MANN. Well, it is not.

Mr. CRUMPACKER. Well, it ought to be.

Mr. MANN. Why, of course it ought to be, and that is what I want to get.

Mr. CRUMPACKER. But you are beginning at the wrong place. You ought to obtain that information from the department that is administering the public-land laws. That office has special agents and is equipped for scientific investigation. I think the gentleman from Illinois will agree with me that the Census Office ought not to undertake scientific investigations. It merely ascertains and reports statistical facts. It ought not to enter into investigations of a speculative character, such as water investigations and the probable potential power of a particular stream of water.

But the most vital objection to it is that the four principal inquiries contained in the bill will keep the Census Office busy during the entire decennial census period in making investigations and reports. If the work of the Census Office is increased the country can not expect the office to make all these investigations and get them reported out in time. If this is proper work for the Census Office to do, it ought to come during the

interdecennial census period. It ought to be part of the work of the permanent office, and not of the temporary office, during that period of great responsibility involving large investigations which it is required to conclude and report within a specific time. It will be impossible to conduct the work that the bill already contemplates and secure satisfactory results if this amendment prevails. There are a number of substantial reasons.

I think the gentleman probably is right in the main in desiring a better knowledge of our natural resources, but we ought to know what we are doing and how we are doing it when we make appropriations for the investigation of water courses, and so forth, what we have already done, and the results of those investigations. These results can be obtained from the Land Office and other departments respectively charged with the work.

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. CRUMPACKER. Certainly.

Mr. MADDEN. Is the gentleman willing to admit that it is a wise thing to get the information upon which to base the appropriations of contemplated expenditures of vast sums of money out of the Public Treasury before the appropriations are made?

Mr. CRUMPACKER. Most certainly; but I do not think we ought to use the Census Office solely for the purpose of enabling the Committee on Appropriations to make appropriations. The Census Office is not for any such purpose. It has not the equipment.

Mr. MADDEN. Does the gentleman think this information is being sought for the purpose of enabling the Committee on Appropriations to make appropriations?

Mr. CRUMPACKER. I presume not. I presume the gentleman offered the amendment in good faith, for the purpose of getting information respecting the natural resources of the country. It is a great problem. I am in thorough sympathy with any wise movement tending to conserve natural resources, of course, but that does not mean that we ought to load up the Census Office with investigations of this character. Further, it does not mean that we ought to require the Census Office to make this great investigation during the decennial census period, when it can not possibly do it.

Mr. MADDEN. There are projects on foot now contemplating the expenditure of hundreds of millions of dollars in the conservation of the natural resources of the country. Would the gentleman think it a wise business proposition to have information upon which to base these appropriations before they are made?

Mr. CRUMPACKER. I think as a general proposition it is a good thing to have some information before we enact any important legislation. We ought to have some information before we make any considerable appropriations of public money, of course.

Mr. MADDEN. And does the gentleman think the plan suggested in the amendment of the gentleman from Illinois [Mr. MANN] would produce evidence such as would enable us to act intelligently?

Mr. CRUMPACKER. No; I do not. I think the amendment is not a practicable one. It ought to call upon some of the other departments to furnish information that is readily under their control.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will yield.

Mr. PARSONS. Does not the gentleman think a census of the natural resources of the country should be taken once in ten years?

Mr. CRUMPACKER. I am inclined to think so. We have a bill pending before our committee now for a census of standing timber. I think it ought to be taken, but we all agreed that it ought not to be taken during the decennial census period. That ought to be part of the work of the permanent office. It is properly statistical work. We can secure the acreage and the stumpage of timber.

Mr. PARSONS. This bill provides for the Thirteenth Decennial Census.

Mr. CRUMPACKER. Yes.

Mr. PARSONS. If you are going to take a decennial census of the natural resources of the country, why not provide for it in this bill? It may be that the other machinery in the bill at present will not suffice for taking a census of the natural resources of the country, but if you make this amendment, then later on you can add something calling for the cooperation of other departments, and in that way taking a census of the

natural resources at the same time you take the census of population and publish it all together.

Mr. CRUMPACKER. In the first place, an investigation of such importance as this, one that will cost nobody knows how much money, ought to go to a committee. It ought to be thoroughly investigated. Officers in the various departments who may be presumed to have knowledge respecting such things ought to appear and instruct the committee, and an intelligent report ought to be made to the Congress before any action is taken.

The gentleman from Illinois is suggesting a policy that would lead, he says, to information and intelligent action. Ought not this committee to have information respecting this matter, in order that it may act intelligently? I appeal to the members of the Committee of the Whole House on the state of the Union and ask them if this is the business way to handle the affairs of the people—that an amendment of this importance should be adopted without any investigation and without any knowledge of the expense involved, and without any knowledge of the time, scope, character, or effect of the investigation. So I submit, Mr. Chairman, however desirable the investigation may be, a mere statement of the proposition ought to induce the gentleman from Illinois—careful, able, and conscientious as he is—to withdraw the amendment and apologize to the committee for even offering it. [Laughter.]

Mr. ROBINSON. Mr. Chairman and gentlemen of the committee, my reason for opposing this amendment is not because I do not desire to secure definite information as speedily as possible concerning our natural resources, nor to do everything in my power reasonably to conserve the same, but because as a member of the Census Committee I am convinced that this work can not at this time be done by the Census Bureau without considerable additional legislation. I maintain that statistics of this kind or information of this nature would require the services of experts, which are not provided for or contemplated in this bill; and as the gentleman from Indiana has wisely suggested, if I understood him correctly, such information as that should be as accurate as possible. It could not be accurate if procured in this way. Furthermore, we have bureaus of this Government that are charged in some degree at least with the investigation of this subject, and they are better qualified to make the investigation than the Census Bureau. It might be possible that additional legislation not here suggested, not here contemplated by the amendment of the gentleman from Illinois, might make this legislation proper, but it is not before the House at this time. I insist that, in my view of the matter, the legislation ought not to be adopted without full consideration by the House, full consideration by a proper committee, because statistics secured by the ordinary census enumerator relating to the amount of coal, for instance, as suggested by the gentleman from Colorado, and other natural resources would not be in any way accurate, and at best, as said by the gentleman from Illinois, would only be superficial. I, for one, do not think that we should undertake an investigation of that sort in this bill.

Mr. MANN. Mr. Chairman, I appreciate the lack of information in the House and in the Committee on the Census. If this bill had just been reported into the House, I do not know that I should have made the suggestion, but since this bill was prepared, since it was reported into the House, since it was considered on a former occasion, there has grown up in the country a most formidable sentiment in favor of the conservation of the natural resources of the country and in favor of ascertaining what those natural resources are. The people have come to believe that the resources of our country are being largely wasted by the methods employed in the use of them for our good.

Now, gentlemen say that we have not information enough upon which to proceed, and yet we are urged as a Congress to proceed in various directions in laying out policies for the future. While I am not afraid to move along lines which may have been suggested for the conservation of the resources, I believe that it is the duty of the House, at the first opportunity after this principle has been enunciated by the people in favor of the conservation of the resources, to learn something about what resources we have. No one expects a scientific, complete investigation of our resources in the census work; no one expects, as the gentleman from Arkansas states, that such census would be taken by the ordinary enumerator. We have various bureaus of the Government that have been engaged and that are now engaged in ascertaining such information as they think can be utilized. Perhaps these same branches of the Government may be utilized further, but we are asked to determine our policies with reference to the resources of the country without

any information as to what we have, especially on the public domain. We are asked to dispose of our public lands, to give away our timber lands, without knowing, without anyone knowing, anything about the value of them.

Mr. TAWNEY. Mr. Chairman, I desire to ask the gentleman from Illinois a question. When the gentleman from Illinois spoke to me a short time ago about his amendment this fact did not occur to me: That is, whether it is practicable or not for the Census Bureau to take a census or make an investigation into the question of our natural resources. For example, how are they to take a census of the coal lands of the United States without the aid of scientists and geologists, and is not that work now being done by the Geological Survey? In the matter of forests, is it not a fact that the Forestry Service of the Government is making a census or compiling statistics showing the extent of our natural resources along that line?

Mr. MANN. Answering the gentleman's last question first, it is not such a fact; the Forestry Bureau is not engaged in such examinations or engaged in taking such statistics. Now, on the question of coal, in answer to the gentleman's first question, I do not know whether we will ever learn what coal we have. I doubt very much whether when the gentleman and I have long passed into our graves the people will know the coal resources of the country, and yet we are told every day what coal resources we have for the future. Upon what is this information based? We can have at least as authentic information collected together in the form of statistics as the wild, loose information that we are constantly assailed with by all branches of people, assuming that it is correct. I do not know. We can collect such information as is available and can have readily obtained information which can be seen, information which has been gathered together. We can put that together in such shape that we and the rest of the people may know what it is, all of us knowing that no one knows what lies beneath the ground.

Mr. GAINES of Tennessee. Mr. Chairman, I would ask that the gentleman's time be extended five minutes in order that I may ask him a question or two.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. How is the Department of Justice getting along with the prosecution of land-fraud matters out West? We have had a lot of timber-land and coal-land matters brought to the attention of the House and the country in the course of the last few years. We have had considerable to do legislatively on this subject. I have not seen the Attorney-General's report for this year, and I would like to know what the Attorney-General's report says.

Mr. MANN. I have not read the Attorney-General's report this year. Mr. Chairman, I would say that I once made a speech in the House on that subject that caused me so much trouble that I almost resolved never to refer to the subject again.

Mr. GAINES of Tennessee. The gentleman would know that I would not cause him any trouble, because the gentleman knows he stands very high in my opinion.

Mr. Chairman, I did not intend to say anything on this subject, but sitting here and listening to what has been said reminds me of a matter that was before the Committee on Public Lands at the last session of Congress and also of a letter I had in my desk from Secretary Garfield. A bill something of this nature came before the Public Lands Committee. It seems that a number of people had gone out into New Mexico and taken up apparently the whole face of the earth out there, covered by rich timber land, and the Government undertook to investigate those parties. Suits in equity and criminal suits were instituted. A little later a lot of people came here to Congress, a great crowd of men from New Mexico, some eight or ten, stopped a week or ten days, and undertook to get a bill passed, as it were, to wipe out all this litigation from the courts in New Mexico by some sort of compromise. I did not like that way of doing business, and I began to investigate the matter, not only in the committee, as best I could, but I appealed to the Attorney-General to know who approved that kind of a compromise. I should have said that the Government in one of the cases—the main case—had won the case on a demurrer, and the defendants were required to answer. I wondered why it was that we were asked to wipe out litigation when it looked as though the Government was winning and to substitute this sort of a compromise. So I went to the Attorney-General, Mr. Bonaparte, and spoke to him about it. He also gave me a letter in reply to one that I had mailed him before I went to see him. I am sorry I have not his reply here. I am going to put it in the Record, if I can find it. He said to me that after he had filed a bill or bills at the instigation of Mr. Garfield,

the Secretary of the Interior, and won on demurrer, Mr. Garfield was agreeing to this compromise, was agreeing to this bill; that I should see him about the bill. So I wrote Mr. Garfield a letter and asked him why he was agreeing to this compromise. Here is my letter:

MARCH 5, 1908.

Hon. JAMES R. GARFIELD,  
Secretary of Interior, Washington, D. C.

DEAR SIR: I am informed that you are in favor of the enactment into law of H. R. 16277, touching upon certain lawsuits instituted by the Department of Justice for lands in New Mexico and the disposition of certain public lands.

I am very anxious to protect our public lands, homesteads and timberlands especially, and will be very much favored if you will give me your reasons why you think this bill should be passed.

Very respectfully,

JNO. W. GAINES.

Here is his reply, and, with the indulgence of the committee—I dislike exceedingly to read anything to the House—I am going to read portions to the House for the purpose of showing you how much land, gentlemen, is involved in this litigation here in one Territory:

DEPARTMENT OF THE INTERIOR,  
Washington, March 24, 1908.

Hon. JOHN W. GAINES,  
House of Representatives.

DEAR SIR: In order that my answer to your letter of March 5, 1908, might more fully supplement the information sent you by the Attorney-General and the reports on the files of the House Committee on Public Lands, I have delayed answer to receive further reports from the field. The Attorney-General's letter sets forth the various classes of granted land given to the Territory of New Mexico under the act of June 21, 1898, and the various conditions contained in the grant concerning leasing or sale of the land and sale of timber from the land.

The territorial officials entrusted with the care and disposition of the granted land disposed of it contrary to the specific conditions. Upon discovering this the department twice sent an inspector, Mr. E. P. Holcombe, to investigate and report upon conditions. The facts as he reported them were drawn to the attention of the Department of Justice, and the Attorney-General sent his special assistants, Mr. Ormsby McHarg and Mr. Peyton Gordon, to the Territory to act in conjunction with Mr. Holcombe in further investigation and a recommendation of what should be done to rectify the illegal actions of the territorial officials. In the meantime every official connected with the illegal transactions was removed from office. Messrs. McHarg, Gordon, and Holcombe reported by various letters upon the situation.

After a conference with the Attorney-General concerning the nature of suits to be brought, the above officials were recalled from the Territory to be at hand and give all the information within their knowledge. Thereafter, in a conference in which the whole status of the case was gone over, the situation was decided to be, as far as criminal prosecutions was concerned:

"1. That no evidence whatever had been found of direct bribery or corruption of any of the territorial or federal officials concerned.

"2. That all the evidence on hand showed that the territorial officials invited the action of the purchasers of the land and timber with the evident intent of getting money for accomplishing the various objects for which the grants were made.

"3. That the prices contracted for were not extremely low as of the date of the various contracts and sales.

"4. That no criminal intent, other than the intentional evasion of the law, appeared in the evidence at hand either against the territorial officials or the purchasers and timber contractors.

"5. That for the above reasons there was no reasonable prospect of convicting either the officials or purchasers for conspiracy or fraud against the United States or the Territory."

It was decided, however, that all the parties were affected with direct notice that they were disposing of and purchasing land and timber in direct contravention of the specific conditions of the granting act. For that reason the Attorney-General believed that civil suits to cancel the contracts for timber sale, to recover the full value of the timber already cut, and to cancel the deeds for the lands sold, should be instituted. Messrs. McHarg, Gordon, and Holcombe were therefore instructed to return to the Territory and prepare bills in equity to accomplish that end. Accordingly, the following suits were filed for the annulment of contracts for the cutting of timber on granted lands in the Territory of New Mexico and the recovery of the value of the timber already cut and removed:

United States of America v. Territory of New Mexico, American Lumber Company, contract dated November 7, 1904; 7,780 acres, Valencia County.

United States of America v. Territory of New Mexico, American Lumber Company, contract dated December 5, 1904; 29,920 acres, McKinley and Valencia counties.

United States of America v. Territory of New Mexico, Clark M. Carr, contract dated July 28, 1905; 11,377.50 acres, Valencia County.

United States of America v. Territory of New Mexico, Gross Kelly & Co., J. W. Harrison, contract dated January 23, 1906; 1,040 acres, San Miguel County.

All these contractors for the purchase of the timber had agreed to pay \$2.50 per acre—to cut or pay for the timber within five years—and to do the cutting under certain rules and regulations concerning diameter limit, protection against fire, etc.

I have no conclusive evidence of the actual value of the timber involved in these sales as of the date of the timber contracts.

The suits for cancellation of deeds to land sold in fee, for the reconveyance of title, and for payment of all damages to the land during the time that it was held by the purchasers were as follows:

United States of America v. S. B. Day, 10,804.96 acres, Valencia County.

United States of America v. Gross Kelly & Co., H. W. Kelly, and Richard Dunn, 16,524.24 acres, Torrance County.

United States of America v. Pennsylvania Development Company, New Mexico Fuel and Iron Company, W. S. Hopewell, 7,797.36 acres, Torrance County.

United States of America v. American Lumber Company, Silvestre Marabal, 4,160 acres, Valencia County.

United States of America v. Gross Kelly & Co., 908.56 acres, San Miguel County.

United States of America v. Alamogordo Lumber Company, 23,571.72 acres, Otero County.

All the lands involved in these suits are covered with timber. Some of them will average less than 3,500 feet to the acre. It is believed that the general average is between 4,000 and 5,000 feet per acre. In addition to the sales of land for which the above suits were filed, there were also sold to Mr. T. A. Schomburg 5,874 acres of timber land in Rio Arriba County. No suit was filed against Mr. Schomburg, because he voluntarily reconveyed the land to the United States, but the deeds are held in escrow by the district attorney in order that Mr. Schomburg may, if he wishes, obtain the same terms of settlement as the other defendants, provided Congress should see fit to pass the law allowing settlement of the suits.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

I replied to this letter as follows:

MARCH 31, 1908.

Hon. JAMES R. GARFIELD,  
*Secretary Department of the Interior, Washington.*

DEAR SIR: I am just in receipt of yours of the 24th instant, in the matter of the public lands in court and out of court in the Territory of New Mexico, which I know I shall read with pleasure.

I am trying my best to protect our lumber interests and homesteads and punish the wrongdoers wherever I can. My motives are wholly unselfish. I have no public lands in Tennessee. I am trying to save the lands in another way—that is to say, when they are sold I want them sold at their fair market price, the money put in the Treasury, and expended to the upbuilding of the unirrigated sections of the West.

I regret to have put you to so much trouble, but my effort is entirely sincere and for the public good.

Yours, very respectfully,

JNO. W. GAINES.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I want five minutes more, or some little time more. I want to make a single observation.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee. [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, I am going to ask consent to put all of this letter in the RECORD, together with the letters I addressed to General Bonaparte, if I can find it, and Secretary Garfield's and my reply, so that all Members may see them. Now, gentlemen, this compromise bill is now pending before the Committee on Public Lands. Heaven knows how many acres of land are involved. Just let me run over some of these figures. Here are 7,000 acres, 29,000 acres, 11,000 acres, 1,000 acres, 10,000 acres, 16,000 acres, 7,000 acres, 4,000 acres, 908 acres, and 23,000 acres. Now, that is in one Territory.

I understand some criminal prosecutions of these cases have been dismissed; I do not know how the fact is. That is the general information I have, and hence my inquiry of my friend from Illinois. Mr. Chairman, it is an outrage, judging from this letter which I trust you will read to-morrow; it is an outrage that great concerns and possibly small ones have gone out on the public domain and taken from the Government of the United States our public lands contrary to the terms of the grant and contrary to the welfare not only of the Government as such, but of the people, who want to go out there in the West and make their homesteads, and I hope the time will come, if, indeed, it is not already at hand, when not simply the injunctive process of the federal court will be used, but the criminal process of the federal court will be used to stop these frauds. Not until the agency of the criminal law is invoked, and vigorously, will we get rid of this thing of our forests being stripped of their splendid timbers and our Government of its broad acres which our fathers left for posterity to build homesteads on. I am anxious to preserve the forests, irrigate land, and to build up locks and dams over the country; but where in the name of God are we going to get the lumber to do it if the lumber kings unlawfully deny the people the right to go out in the West and take up homesteads? They have gone there and taken their saw-mills and their steam axes, I presume, and have mowed down the timbers that should stay there to be sawed into lumber for our own grandchildren in the future. A large portion of that timber is not only sawed into lumber, but sent to foreign lands and not used to build up homes in our territory, where there are few homes; not to move back the wigwags and plant civilization where it should be.

I make these observations simply to bring before you gentlemen what has been in my mind some time in regard to these public lands in order that we may protect our forests for ourselves and our posterity, and I insist that we should look to our criminal laws to aid the reform.

Mr. SLAYDEN. Mr. Chairman, I hope the amendment of the gentleman from Illinois will prevail. I was honored with an appointment to the commission for the conservation of the natural resources of the country, and during the last week we were in session for four or five days. A vast amount of exceedingly interesting information was presented to that commission, which all indicated an alarming state of depletion in some of the most essential resources of the country. That is particularly

true of coal and other minerals and of the forest resources. In the course of the discussion that was had by that commission it was ordered in the report that the President be requested to ask of Congress a law—in the census, it was understood—which would provide for a more complete inventory (I believe that was the word) of the natural resources of the country.

Now, sir, that inventory can best be made by the Census Bureau. The census will be discharging its great work, undertaken once in a decade, at the particular time when we will require this information. They will have the agents for the gathering of this information, and can easily have associated with them the scientific experts connected with the Geological Survey and other bureaus of the Government. These agencies, cooperating, can provide the country with information which the commission for the conservation of the natural resources believe is a highly desirable thing to have. I hope that the committee will permit the amendment of the gentleman from Illinois [Mr. MANN] to prevail.

Mr. CRUMPACKER. Let me ask the gentleman a question.

Mr. SLAYDEN. Certainly.

Mr. CRUMPACKER. The gentleman realizes the importance of making these four principal inquiries within the time fixed in the bill. They are vital questions, and he appreciates the necessity of having those investigations made and the results given to the public at the earliest date practicable if they are to be of any value to the country. Now, if this investigation should so involve the work as to postpone the time in which these great investigations should be made, for two, three, or four years, say, like the Eleventh Census, and the reports would be gotten out so late that they would have no current value, would the gentleman still insist upon putting the amendment into the bill?

Mr. SLAYDEN. Mr. Chairman, I do not admit that it is necessary that any such delay should follow. It is a matter of clerical detail to arrange for this work to be jointly done by scientific experts and the regular employees of the Census Bureau.

Mr. CRUMPACKER. The Committee on the Census investigated the timber question, and the director said the office can not make any other investigation than those provided for during the census period. Speculative in its character, it would simply confuse and embarrass and practically destroy the value of these great inquiries that we do contemplate making. That will be the effect of the gentleman's proposition. I insist that this House ought to have more information respecting the question and better knowledge of the effect that this investigation would have upon those investigations that are of vital importance before legislating this amendment into the bill.

Mr. PARSONS. I would like to ask the gentleman a question before he sits down.

Mr. SLAYDEN. Mr. Chairman, I yield the floor to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Chairman, I do not understand that if the census of the natural resources of the Government, which is what the amendment calls for, is to be taken that it would have to be taken by the enumerators of the Census Office. It would be taken by the experts employed in the scientific bureaus of the Government. Its publication will not necessarily delay—

Mr. BONYNGE. Will the gentleman yield to a question?

Mr. PARSONS. Gladly.

Mr. BONYNGE. How does the gentleman say it will be taken by the experts employed, and what is there now in the different bureaus, and what is there in this bill that would compel it to be taken by those experts instead of organizing a new force and duplicating the work by other experts and scientists employed by the Census Bureau?

Mr. PARSONS. There is nothing in the bill, even if you adopt this amendment, to require the Census Bureau to take this census by itself. I will refer the gentleman to the first section of the bill, in which he will see that the Director of the Census is required to take the census of the population, agriculture, manufactures, mines, and quarries of the United States.

But this amendment says that the census also of the natural resources shall be taken.

Mr. BONYNGE. By the Director of the Census, and not through the experts and scientists employed in the other bureaus, and it can not be construed and would not be construed otherwise unless the Director of the Census would employ such force as he might require to make this independent census by his own agents and servants instead of using the agents and servants now in the federal employment.

Mr. PARSONS. May I suggest that if this amendment is adopted, then in a later part of the bill the proper provision will be made so that for this information the Director of the

Census can call on the scientific bureaus of the Government to make this census of the natural resources.

Mr. TAWNEY. What would be the necessity of doing that when the scientists of the other bureaus are all publishing to the world their discoveries and the result of their investigations?

Mr. PARSONS. They are making discoveries, but not publishing them in census form, and it is in census form that we wish to have them. Now, we have questions as to the disposition of the coal on the public lands, and what to do with the water power on the public lands and various other things on the public lands. We ought to have a census statement as to what these resources on the public lands are in each locality; and only by having this can we act intelligently. Therefore we ought to call upon the various bureaus, through this bill, for a statistical statement in detail of these resources; and I take it that such is the real object of this amendment.

Mr. SLAYDEN and Mr. PRINCE rose.

Mr. PRINCE. Will the gentleman yield to me for a question?

Mr. PARSONS. I will first yield to the gentleman from Texas.

Mr. SLAYDEN. I want to suggest to the gentleman from New York that when the Twelfth Census was taken, if I remember correctly, any number of gentlemen were borrowed, so to speak, from the scientific branches of the Government during the taking of that census to assemble and conduct that work as employees of the Census Bureau, although their permanent official residence was in other bureaus; and it could be done again.

Mr. PARSONS. Exactly. That was my understanding.

Mr. PRINCE. Can the gentleman state to the House, if this amendment were adopted, would Congress more readily and promptly get the desired information that it needs in order to make appropriations for the conservation of the natural resources of the country?

Mr. PARSONS. Yes; I think it would.

Mr. PRINCE. Do you not think that if this matter, under this amendment, is made a matter for the Census Bureau, when the Census Bureau has ten years in which to make its tabulated report and print them in form for the public, it will delay the business that we all desire to speedily have performed in conserving the natural resources of the country?

Mr. PARSONS. Why, in order to know what we should do to conserve the natural resources of the country, we first have to have an inventory of what they are. We have no such inventory now. We have bureaus making scientific reports; but they are not complete and do not attempt to show what the natural resources are in each State. If we adopt this amendment we can get this detailed information.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The committee divided, and there were—ayes 17, noes 32.

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to this paragraph?

Mr. PRINCE. I want to make one formal amendment with a view of getting information about the first paragraph of section 8, and I move to strike out the last word of the section for that purpose.

I desire to ask the gentleman in charge of the bill a question. I see by your bill that "the Thirteenth Census shall be restricted to inquiries relating to population, to agriculture, to manufacture, and to mines and quarries." Now, the Constitution originally relates that the purpose of the census was to find the number of inhabitants with a view of making an apportionment, to arrive at the number of Members of Congress who should serve from the different States, and with a view of making a direct tax upon population. Will you be kind enough to tell me when this original purpose of the law was modified, and the occasion of this great growth, both in the scope of the census enumeration and in the great additional expense that has been added for the taking of the census?

Mr. CRUMPACKER. Well, it began with the first census. In 1790 there was more than a mere counting of the population. In authorizing the census in 1790, Congress required certain social information that, of course, had no relation to the mere imposition of a capitation tax or apportionment of representatives. But I take the position now that the Federal Government, with its power to maintain an army and a navy, to establish post-offices and post-roads and military roads, to impose excise taxes and perform all the functions that belong to a national government, has inherently the right to investigate

its own resources in order that the legislative branch of the Government may legislate intelligently respecting the powers expressly conferred upon it by the Federal Constitution.

Mr. PRINCE. I withdraw the pro forma amendment.

Mr. KEIFER. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend section 8, line 7, page 6, by inserting, after the word "include," the words "all persons engaged in agricultural pursuits."

Mr. CRUMPACKER. I have no objection to that amendment. I think of course it is included, but if there is any doubt about it, and the gentleman from Ohio thinks there is, I have no objection to it.

Mr. KEIFER. Then I will not occupy time in discussing it.

The amendment was agreed to.

Mr. DE ARMOND. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend by inserting the word "actually" between the words "capital" and "invested," in line 30, page 6.

Mr. CRUMPACKER. Mr. Chairman, I did not understand that amendment. Will the Clerk please report it again?

Mr. BONYNGE. He does not want imaginary capital. He wants actual capital.

The amendment was again read.

Mr. CRUMPACKER. I have no objection to the amendment. The amendment was agreed to.

Mr. DE ARMOND. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend by inserting between the word "invested," in line 20, and the word "number," in line 21, page 6, the following:

"The amount of capital stock authorized, the amount of such stock issued, and what amount of stock, if any, has been authorized or issued in excess of the amount of capital actually invested."

Mr. CRUMPACKER. That comes within the jurisdiction of the Bureau of Corporations in the Department of Commerce and Labor, and those investigations are being made occasionally. It is no part of the work of the Census Office. It is inquisitorial in its character, and the result would be that the real facts that are desired for proper statistical purposes would be exceedingly difficult to secure.

Mr. DE ARMOND. Mr. Chairman, the purpose of the amendment is definiteness. It is to get, if possible, information by which we can know whether the capital is real or whether it is watered. There is already an inquiry provided for as to the capital invested. Now, this merely extends that along the same line. It does not go into any other line, but the inquiry is as to what is the proportion or relation between actual investment and capitalization. If that is an invasion of the province of the Bureau of Corporations, this whole provision is. If it is an invasion to ask whether the stock is in excess, and if so, how much, of the capital invested, then it is also an invasion to ask what the capital is. Now, this inquiry probably would be answered, if the other inquiry be not added to it, by a statement of what the capital stock is. For instance, if a corporation is capitalized at \$100,000, if there were but the one inquiry, the information might be elicited that the capital invested is \$100,000, while as a matter of fact the amount of the capital invested might be \$50,000 or \$25,000 or any other sum. It is merely a drawing of a distinction between the amount of money put in, the amount of property put in, and the amount of capitalization, where there is a difference between the two. Where there is no difference, of course there is nothing additional disclosed. Where there is a difference, it seems to me that that ought to be disclosed. It is information that is very easily given. As the provision now stands, in a case where there has been an amount invested and a capitalization beyond that, or watered stock issued, the information elicited, instead of being real information, will be that which misleads. If \$500,000 has been invested in a plant, and capital stock is issued to the amount of \$1,000,000, with the inquiry as it is now, the statement will go forth that the capital invested in that plant is \$1,000,000. If there be no difference between the actual investment and the actual capitalization, there certainly can be no harm and no confusion. Now, it is an inquiry directly to those who can answer that inquiry. It is asking "How much money have you in your plant? How much stock have you issued? Is there an issue of stock in excess of the investment, and if so, to what extent?" It appears to me that it is useful information, and that in order to avoid getting misinformation, in order to get a statement of the amount of stock, actual and watered, in answer to the inquiry of how much money is invested, it is at least proper, and I think very necessary, to have the supplemental inquiry that I have suggested.

I do not think that the objection suggested by the gentleman from Indiana is one that lies to this a bit more than it would lie to any other inquiry along this line. If you ask how much capital is invested in your business, you are not treading on any dangerous ground in asking whether your capitalization accords with the investment or whether your capitalization is partly real and partly bogus; whether your issue of stock is partly upon the investment and partly upon water. I really think that it is such an amendment as ought to be adopted, and such as will tend to perfect the provision.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Missouri [Mr. DE ARMOND].

The question was taken; and on a division (demanded by Mr. DE ARMOND) there were 25 ayes and 31 noes.

Mr. DE ARMOND. Mr. Chairman, I would like to have tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. DE ARMOND and Mr. CRUMPACKER.

Mr. HARDY. Mr. Chairman, I would like to have the language of the amendment read again.

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

There was no objection, and the Clerk read the amendment a second time.

The committee again divided; and the tellers reported that there were 38 ayes and 50 noes.

So the amendment was lost.

Mr. HITCHCOCK. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding to line 25, page 6, "quantity and value of products sold to the export trade."

Mr. HITCHCOCK. Mr. Chairman, the purpose of this amendment is to afford another means of ascertaining the figures and volume of our export trade in home manufactures. I understand that the present method by which the Secretary of the Treasury gathers statistics showing the amount of our export trade is inaccurate, depending upon bills of lading or ship manifests gathered at the port of exportation. My idea in this amendment is to require the census enumerators, when they gather their statistics from manufacturers, to include the quantity and value of the manufacturers' exports, and state also upon their schedules the quantity and value of their products which are sold to the foreign trade.

We are all interested in the development of our foreign trade, and I believe that the statistics upon which we depend for information as to this development are at the present time inaccurate. Just now, also, Mr. Chairman, the country has been a good deal agitated and a good deal interested in the revelations concerning the details of the foreign trade under which American products have been sold to foreign consumers at prices lower than they have been sold to American consumers, and in investigating this fact it has been discovered that our statistical information is very defective. If we incorporate this amendment in the census law, it will not only harmonize with the other provisions of the law, but will afford an additional check upon the defective information that the American people must now depend upon for their knowledge of the export trade and of American manufactures.

I can see no objection to the amendment, and it seems to be in line with the other provisions of the section.

Mr. CRUMPACKER. Mr. Chairman, there is no legitimate purpose that can be served by the amendment, because it is a well-known fact that many of the manufacturers whose products may be exported do not themselves export the products. The information would be practically worthless. It would be of far less value than the statistics respecting exports that are kept in the Treasury Department; and these enumerators who are to work only twenty or thirty days collecting information would hardly be able to make an investigation that would be of any value bearing directly upon commerce. The object of the census is to ascertain the volume of production in manufactures, the character of the products, whether the industry is operated by a corporation, a joint stock company, or a partnership, the manner of its organization, officers, salaries, stocks, and such things that are purely statistical. I think it would be a waste of time and money to make the investigation called for by this amendment.

Mr. HITCHCOCK. I want to say, Mr. Chairman, in reply to the chairman of the committee, the gentleman from Indiana [Mr. CRUMPACKER], that as to the waste of time, that will be infinitesimal, because this amendment will require only the addition of one blank upon the schedules furnished to the manufacturer. As to the objection that the manufacturer is not able to state the quantity or proportion of his goods which are sold

abroad, that is a matter which each manufacturer can settle for himself when he comes to make his returns. But I believe it to be a fact that every manufacturer does know substantially the proportion of his goods which is sold to the foreign trade and the proportion which is sold to the home trade. If he does not make the sales direct to the foreign trade, he at least knows the destination practically of all of the manufactured goods; that is, he knows whether it is for domestic or whether it is for foreign use, and certainly there can be no substantial objection. This involves no additional expense, it is not out of harmony with the inquiry as to other details of the census, and I can not see any possible harm from supplying the American people with a direct statement from the manufacturer himself as to the proportion of his foreign and domestic trade.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. CRUMPACKER) there were—ayes 36, noes 43.

So the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting between the words "manufactures" and "amount," line 24, page 6, the following:  
"And what proportion of said materials is of domestic and what of foreign production."

Mr. DE ARMOND. Is there any objection to that amendment, I will ask the gentleman from Indiana?

Mr. CRUMPACKER. Yes. It is impossible to get such information.

Mr. DE ARMOND. Well, we might not be able to ascertain, but it would not be impossible to inquire. We are providing now for inquiries; we are not answering them.

Mr. CRUMPACKER. That is true enough, but we ought to pursue inquiries where we can get facts. Where we could get guesses only, it would be of no value.

Mr. DE ARMOND. Mr. Chairman, the effect of the amendment, if adopted, would be to submit an inquiry to the manufacturer in connection with other inquiries as to the proportion of the materials used in his manufacture of foreign production and of domestic production. I can very well understand that in some instances he could not answer, in other instances his answer would be an approximation, in others he could answer very easily and accurately. I can not see any objection to asking the manufacturer himself. If he would not answer, there would be no penalty on his saying so. If he could answer, it would be an inquiry to answer. Now, the information would be interesting, I think, and it might be valuable, and in a good many lines I am satisfied it would be valuable; in a good many instances information would be elicited, and it would throw a good deal of light upon a good many questions about which we legislate and about which the people talk and which engage their interest. Understand, we are on a paragraph providing for inquiries to be submitted by enumerators; we are not fixing the penalty for failure to answer. We are not determining in advance whether a question can be answered. In a great many instances this could; in some it could not. The question is whether we will submit the inquiry or whether we will not submit it. I can think of no good objection against submitting it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. DE ARMOND) there were—ayes 36, noes 41.

So the amendment was rejected.

The Clerk read as follows:

Sec. 9. That the Director of the Census shall, at least one year prior to the date for commencing the enumeration at the Thirteenth and each succeeding decennial census, designate the number, whether one or more, of supervisors of census for each State and Territory, the District of Columbia, Alaska, the Hawaiian Islands, Porto Rico, Guam, Samoa, and the Panama Canal Zone, and shall define the districts within which they are to act. The supervisors shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the whole number of supervisors shall not exceed 330: *And provided further*, That so far as practicable and desirable the boundaries of the supervisors' districts shall conform to the boundaries of the congressional districts: *And provided further*, That if in any supervisor's district the supervisor has not been appointed and qualified ninety days preceding the date fixed for the commencement of the enumeration, or if any vacancy shall occur thereafter, either through death, removal, or resignation of the supervisor, or from any other cause, the Director of the Census may appoint a temporary supervisor or detail an employee of the Census Office to act as supervisor for that district.

Mr. CRUMPACKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have it read.

The Clerk read as follows:

Amend by striking out the words "Guam, Samoa, and the Panama Canal Zone," in line 2, page 8, and inserting the word "and" between the words "Islands" and "Porto Rico," line 1, page 8.

Mr. CRUMPACKER. I do this so that the section will conform to section 1 of the bill as amended by the Committee of the Whole House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

SEC. 10. That each supervisor of census shall be charged with the performance, within his own district, of the following duties: To consult with the Director of the Census in regard to the division of his district into subdivisions most convenient for the purpose of the enumeration, which subdivisions or enumeration districts shall be defined and the boundaries thereof fixed by the Director of the Census; to designate to the Director suitable persons, and, with his consent, to employ such persons as enumerators, one or more for each subdivision; to communicate to enumerators the necessary instructions and directions relating to their duties; to examine and scrutinize the returns of the enumerators, and in the event of discrepancies or deficiencies appearing in any of the said returns to use all diligence in causing the same to be corrected or supplied; to forward the completed returns of the enumerators to the Director at such time and in such manner as shall be prescribed, and to make up and forward to the Director the accounts of each enumerator in his district for service rendered, which accounts shall be duly certified to by the enumerator, and the same shall be certified as true and correct, if so found, by the supervisor, and said accounts so certified shall be accepted and paid by the Director. The duties imposed upon the supervisor by this act shall be performed in any and all particulars in accordance with the orders and instructions of the Director of the Census.

Mr. KELIHER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 9, line 15, after the word "Director," insert:

"Provided, That in the selection and appointment of enumerators preference shall be given in the various localities to persons serving as substitute letter carriers and those upon the eligible lists for carriers in the postal service."

Mr. KELIHER. Mr. Chairman, my purpose in offering that amendment is to present to the directors or supervisors a competent body of men from whom to select these enumerators. We have in the postal service some 50,000 or 60,000 men who have participated in civil-service examinations and have gone upon the eligible lists for appointment as carriers.

The nature of the examination they take is such as to bring to the service a competent body of men, and I can see no reason why, with this vast list available, these men could not be selected to perform this work. They are all, as I have said before, men who have participated in and successfully passed a civil-service examination. They are available; there are enough distributed throughout the country to supply, I believe, the demands made for the taking of this census, and it seems to me a sensible solution of the problem to select these men to take this census.

The question was taken, and the amendment was rejected.

The Clerk resumed and concluded the reading of the bill.

Mr. CRUMPACKER. Mr. Chairman, I move that the committee do now rise and report the bill, with the several amendments agreed to by the committee, to the House with the recommendation that the amendments be agreed to by the House and the bills as amended be passed.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FULLER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses and had directed him to report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended be passed.

Mr. CRUMPACKER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The question was taken, and the motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time; was read the third time.

Mr. CRUMPACKER. Mr. Speaker, I move to recommit the bill, and on that motion I demand the previous question.

The previous question was ordered.

The question was taken on the recommitment of the bill, and the motion was rejected.

The question was taken upon the passage of the bill, and the bill was passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### REPORT OF JUVENILE COURT, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following message from the President, which was read and, with the accompanying

papers, referred to the Committee on the Judiciary and ordered to be printed.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith the Second Annual Report of the Juvenile Court of the District of Columbia, with accompanying papers, for the consideration of the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 8, 1908.

#### REPORT OF GOVERNOR OF PORTO RICO.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying papers, referred to the Committee on Insular Affairs and ordered to be printed.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the annual report of the governor of Porto Rico for the fiscal year ending June 30, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 9, 1908.

#### R. SANCHEZ MONTALVO.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying papers, referred to the Committee on Insular Affairs and ordered to be printed.

The Clerk read as follows:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of a franchise granted by the executive council of Porto Rico November 5, 1908, entitled "An ordinance granting to R. Sanchez Montalvo, his heirs, successors, and assigns, the right to take and use 41 liters of water per second for industrial purposes from the brook Juan Gonzalez, in the barrio of Pallejas, in the municipal district of Adjuntas."

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 9, 1908.

#### TELEPHONE LINE BETWEEN GUAYAMA AND ARROYO, P. R.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying papers, referred to the Committee on Insular Affairs and ordered to be printed.

The Clerk read as follows:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance repealing an ordinance entitled 'An ordinance granting to the municipality of Guayama the right to construct a telephone line between Guayama and Arroyo, and to operate the same for public purposes,' enacted December 2, 1902."

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 9, 1908.

#### PERMIT TO INSULAR DOCK COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting a revocable permit to the Insular Dock Company to connect its railway track on pier No. 2 with the track of the American Railroad Company lying along the bulkhead of the harbor of San Juan."

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 9, 1908.

#### SAN JUAN LIGHT AND TRANSIT COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting the San Juan Light and Transit Company a revocable permit or privilege to change the location of that part of its railroad extending from the northeastern corner of the junction of Comercio and Tanca streets to a point in San Justo street north of its intersection with Recinto Sur street to a new location, as follows: Northerly along the most practicable route to Recinto Sur street and thence along said street to San Justo street."

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 9, 1908.

#### ARTURO RODRIGUEZ.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the

accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

*To the Senate and House of Representatives:*

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting to Arturo Rodriguez the right to construct, maintain, and operate a system for the manufacture, distribution and sale of gas for light, heat, and power purposes, in the municipality of San Juan."

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 9, 1908.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

*To the Senate and House of Representatives:*

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of an ordinance entitled "An ordinance amending an ordinance entitled 'An ordinance granting to Arturo Rodriguez the right to construct, maintain, and operate a system for the manufacture, distribution, and sale of gas for light, heat, and power purposes, in the municipality of San Juan.'"

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 9, 1908.

A. A. DAVID.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

*To the Senate and House of Representatives:*

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting to A. A. David the right to build, maintain, and operate a public pier in the harbor of San Juan, at Catano."

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 9, 1908.

A. MONROIG E HIJOS, SUCESTORES.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

*To the Senate and House of Representatives:*

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico October 29, 1908, entitled "An ordinance granting to A. Monroig e Hijos, Successors, the right to construct an iron bridge over the Bayamon River, in the municipal district of Bayamon, barrio of Juan Sanchez."

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 9, 1908.

COMPANIA DE LOS FERROCARRILES DE PUERTO RICO.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

*To the Senate and House of Representatives:*

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico November 5, 1908, entitled "An ordinance granting to the Compania de los Ferrocarriles de Puerto Rico, its successors and assigns, the right to take forty (40) liters of water per minute from the 'Quebrada Ojo de Agua,' near Rincon, for the purpose of furnishing water for its locomotives."

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 9, 1908.

PABLO CALCERRADA.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

*To the Senate and House of Representatives:*

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and section 2 of the joint resolution amending said act, approved May 1, 1900, I transmit herewith copy of an ordinance granted by the executive council of Porto Rico, entitled "An ordinance granting a revocable permit to Pablo Calcerrada, his heirs, executors, and assigns, the right to construct, maintain, and operate a private telephone line to connect the three plantations of Latorre, Bartolo, and Mirasol, in the municipal district of Lares."

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 9, 1908.

#### ADJOURNMENT.

Mr. CRUMPACKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Librarian of Congress, transmitting a statement of the travel of officers and employees during the fiscal year ended June 30, 1908—to the Committee on Appropriations and ordered to be printed.

A letter from the Librarian of Congress, transmitting the report of the Librarian and of the superintendent of the Library building and grounds for the fiscal year ended June 30, 1908—to the Committee on the Library and ordered to be printed.

A letter from the Secretary of the Navy, transmitting recommendations as to repairs of certain vessels—to the Committee on Naval Affairs and ordered to be printed.

Annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1908—to the Committee on Ways and Means and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a statement as to travel of officers and employees of his department during the fiscal year ended June 30, 1908—to the Committee on Expenditures in the Interior Department and ordered to be printed.

A letter from the Secretary of War, transmitting a detailed statement of travel of officers and employees of his department for the fiscal year ended June 30, 1908—to the Committee on Expenditures in the War Department and ordered to be printed.

A letter from the Secretary of the Navy, transmitting a report as to power plants in navy-yards, their consolidation, etc.—to the Committee on Naval Affairs and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting a statement as to the travel of officers and employees of his department during the fiscal year ended June 30, 1908—to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting a detailed statement of the expenditures of the department for the fiscal year ended June 30, 1908—to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an abstract of the official emoluments of officers in the customs service received by them during the fiscal year ended June 30, 1908—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting report of receipts and expenditures on account of appropriations for contingent expenses of the War Department—to the Committee on Expenditures in the War Department and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Ordnance, report as to the manufacture of arms, etc., fabricated at the arsenals at Springfield and Rock Island—to the Committee on Expenditures in the War Department and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Isles of Shoals, Maine and New Hampshire—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hillsboro Bay, Florida—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Missouri River from mouth to Sioux City, Iowa—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of San Francisco Harbor, California—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Echo Bay, New York—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Camden Harbor, Maine—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Poyallup River, Washington—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Jones River, Delaware—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Chehalis River, Washington—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Ordnance, statements as to cost of manufacture of arms and other articles—to the Committee on Expenditures in the War Department and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph Loudermilk against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Maria Lester, widow of Joe Lester, deceased, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Caroline Wilmans*, Daniel Jones, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Reliance*, Joseph Chandler, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Kap Kapperer*, Blow, master; brig *Young*, Frederick Harder, master; ship *Columbia Fortuna*, Pavorick, master; snow *Fin Marken*, Jorgenson, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Sally*, William Smith, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Atalanta*, Stephen Griffiths, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Betsy*, James Peterson, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Little Sarah*, John Russell, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Ariel*, John Griffith, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Atlantic*, Ebenezer Stanton, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Roebuck*, Simon Kinsman, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Antelope*, B. Hillar, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Unity*, Samuel Caz-

nean, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Hope*, Tarbox Moulton, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the scow *Rover*, Wilson Jacobs, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Swift*, Joseph McCammon, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Commerce*, John Jones, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Fame*, John Rust, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Mercury*, Samuel Gilpatrick, master—to the Committee on Claims and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Coosa River and Horseleg Falls—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Wilmington Harbor, California—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Indiana Harbor, Indiana—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Gloucester Harbor, Massachusetts—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of St. Johns River, Florida, from Jacksonville to Lake Harney, and survey from Palatka to Lake Harney—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Suisun Channel, California—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Lake Champlain and survey of St. Albans Harbor—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Snohomish River, Washington—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sacramento River, California—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of San Joaquin River and Stockton Channel, California—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Neptune*, Seth Burnham, master—to the Committee on Claims and ordered to be printed.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WILEY: A bill (H. R. 23237) to prevent the United States from issuing a license or legal permit to any person to

sell spirituous, vinous, or malt liquors, or other intoxicating beverages in any State, county, city, town, or community where the sale thereof is prohibited by state or local laws—to the Committee on Ways and Means.

By Mr. HULL of Iowa: A bill (H. R. 23238) authorizing the survey of the Des Moines River, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. TOU VELLE: A bill (H. R. 23239) making appropriation for the construction and equipment of a Weather Bureau observatory at Lima, Ohio—to the Committee on Agriculture.

By Mr. SMITH of Michigan: A bill (H. R. 23240) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901—to the Committee on the District of Columbia.

By Mr. SHEPPARD: A bill (H. R. 23241) to enable the Secretary of Agriculture to conduct experiments to determine the practicability of making paper material out of cotton stalks—to the Committee on Agriculture.

By Mr. ACHESON: A bill (H. R. 23242) authorizing the President to classify the assistant postmasters—to the Committee on Reform in the Civil Service.

By Mr. FOWLER: A bill (H. R. 23243) to provide for maximum and minimum tariff schedules and to establish a commission which shall investigate all duties on imports and fix the rates, etc.—to the Committee on Ways and Means.

By Mr. BOUTELL: A bill (H. R. 23244) to create in the War and Navy departments, respectively, a roll to be known as the "civil-war officers' annuity honor roll;" to authorize placing thereon with pay certain surviving officers who served in the Volunteer or Regular Army, Navy, or Marine Corps of the United States in the civil war and who are not now on the retired list of the Regular Army, Navy, or Marine Corps, and for other purposes—to the Committee on Military Affairs.

By Mr. HILL of Mississippi: A bill (H. R. 23245) to provide for the purchase of a site and the erection of a public building thereon at Grenada, in the State of Mississippi—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23246) to provide for the purchase of a site and the erection of a public building thereon at Winona, in the State of Mississippi—to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 23247) construing the provisions of sections 2291 and 2292 of the Revised Statutes of the United States, relating to the rights of minor children—to the Committee on the Public Lands.

By Mr. GILLESPIE: A bill (H. R. 23248) for the erection of a federal building for the post-office at Weatherford, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. BRODHEAD: A bill (H. R. 23249) to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct a bridge across the Delaware River from a point near the village of Columbia, in Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York (by request): A bill (H. R. 23250) to protect trade and commerce against unlawful restraint and monopolies—to the Committee on the Judiciary.

By Mr. BATES: A bill (H. R. 23251) to increase and fix the pay of petty officers and enlisted men of the United States Navy—to the Committee on Naval Affairs.

By Mr. KALANIANA'OLE: A bill (H. R. 23252) to amend sections 5, 26, 52, 53, 73, 80, 84, 91, 92, 97, and 100, and to repeal section 79 of an act entitled "An act to provide a government for the Territory of Hawaii," approved April 13, 1900—to the Committee on the Territories.

By Mr. McCALL: A bill (H. R. 23463) increasing the pensions of army nurses—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: Resolution (H. Res. 448) for the appointment of an assistant clerk to Committee on Enrolled Bills—to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 23253) granting an increase of pension to John Pattison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23254) granting a pension to Sarah Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23255) to correct the military record of John Morton—to the Committee on Military Affairs.

By Mr. ALLEN: A bill (H. R. 23256) granting an increase of pension to Thomas E. Jacobs—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 23257) granting an increase of pension to Zenis Lanham—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 23258) granting an increase of pension to Margaret McLellan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23259) granting an increase of pension to Annie D. Page—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23260) granting a pension to Johanna Dehn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23261) granting a pension to Frank Beehrd, alias Franz Baehrer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23262) granting a pension to Eliza Doerner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23263) granting a pension to Conrad Oppermann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23264) granting a pension to Ida Davenport—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23265) granting a pension to Bernhard Springer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23266) granting a pension to William Kern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23267) granting a pension to Henry Franck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23268) granting a pension to Franz Schmidt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23269) to correct the military record of Frank Clemens Arendes—to the Committee on Military Affairs.

Also, a bill (H. R. 23270) to correct the military record of John Kannappell, alias John Kline—to the Committee on Military Affairs.

By Mr. BARTLETT of Georgia: A bill (H. R. 23271) for the relief of the heirs and legal representatives of Mrs. E. Ann Lowry—to the Committee on War Claims.

By Mr. BATES: A bill (H. R. 23272) granting an increase of pension to William Henry Wright—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 23273) granting an increase of pension to Alvy A. Courtright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23274) granting an increase of pension to William R. Ackerly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23275) granting an increase of pension to Sarah F. Cox—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 23276) granting a pension to John Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23277) granting an increase of pension to L. W. Depew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23278) granting an increase of pension to William D. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23279) granting an increase of pension to Samuel F. Dyer—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 23280) granting an increase of pension to Henry Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23281) granting an increase of pension to Irving W. Tyson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23282) granting an increase of pension to James D. Bartholemew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23283) granting an increase of pension to William H. Heller—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 23284) granting an increase of pension to John Parker Hale—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 23285) granting an increase of pension to James Cafferty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23286) granting an increase of pension to John T. Miller—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 23287) granting an increase of pension to Loammie Farmer—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 23288) granting an increase of pension to John C. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23289) granting an increase of pension to John Lechleiter—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: A bill (H. R. 23290) granting an increase of pension to Amanda A. Hanly—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 23291) granting an increase of pension to John M. Redus—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 23292) granting a pension to Hoyt Hayden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23293) granting an increase of pension to Andrew J. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23294) granting an increase of pension to Josiah Castleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23295) granting an increase of pension to Francis M. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23296) granting an increase of pension to Philip Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23297) granting an increase of pension to Joseph J. Delebaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23298) granting an increase of pension to George Rance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23299) granting an increase of pension to James Wilcoxon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23300) granting an increase of pension to Peter Hastings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23301) granting an increase of pension to Madison Obenchain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23302) granting an increase of pension to Jesse Dickens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23303) granting an increase of pension to Jacob F. Kull—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 23304) granting a pension to Davis Woody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23305) granting an increase of pension to Marcus D. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23306) granting an increase of pension to Mary Dickerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23307) granting an increase of pension to Thomas J. Kirtley—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 23308) granting a pension to Oliva Wiser—to the Committee on Invalid Pensions.

By Mr. DUREY: A bill (H. R. 23309) granting a pension to Corinne E. Call—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 23310) granting an increase of pension to Milton G. Harbin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23311) granting an increase of pension to James Banks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23312) granting an increase of pension to Thomas G. Hendricks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23313) granting an increase of pension to Harrison Griffith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23314) granting an increase of pension to James A. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23315) granting an increase of pension to Sherrod W. Barnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23316) granting an increase of pension to Jackson Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23317) granting an increase of pension to Milford M. Britton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23318) granting an increase of pension to Milton Perdue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23319) granting an increase of pension to William Cross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23320) granting a pension to Albert Werner—to the Committee on Pensions.

Also, a bill (H. R. 23321) granting a pension to William Jackson—to the Committee on Pensions.

Also, a bill (H. R. 23322) granting a pension to William Pace—to the Committee on Pensions.

By Mr. ELLIS of Missouri: A bill (H. R. 23323) for the relief of John H. Hickey—to the Committee on War Claims.

Also, a bill (H. R. 23324) granting a pension to William V. Malenbourg—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 23325) granting an increase of pension to Jacob W. Gardner—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 23326) granting an increase of pension to Charles D. Bidwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23327) granting an increase of pension to Daniel S. Roe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23328) granting an increase of pension to Niram D. Scofield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23329) granting an increase of pension to Manfield Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23330) granting an increase of pension to John W. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23331) granting an increase of pension to Erasmus L. Donaldson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23332) granting an increase of pension to Harry Puffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23333) granting an increase of pension to Jacob Beryan—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 23334) granting an increase of pension to John Cavin—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 23335) granting an increase of pension to Edwin M. Haynes—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23336) granting an increase of pension to Harmon Colvin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23337) granting an increase of pension to Charles Burton—to the Committee on Invalid Pensions.

By Mr. GRONNA: A bill (H. R. 23338) for the relief of Ole Serungard—to the Committee on Claims.

Also, a bill (H. R. 23339) granting an increase of pension to George W. Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23340) granting an increase of pension to James Flanagan—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 23341) granting an increase of pension to Stephen Pullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23342) granting an increase of pension to John Conrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23343) granting an increase of pension to Andrew S. Ramsdell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23344) granting an increase of pension to Isaac J. Marble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23345) granting an increase of pension to Edward M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23346) granting a pension to Clara A. Warren—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 23347) granting a pension to Daniel Peyton—to the Committee on Pensions.

Also, a bill (H. R. 23348) granting a pension to Charles H. Jennings—to the Committee on Pensions.

Also, a bill (H. R. 23349) granting an increase of pension to Charles A. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23350) granting an increase of pension to Cyrus D. McCaskey—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 23351) for the relief of the owners of the Mexican steamship *Tabasqueno*—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 23352) granting an increase of pension to John M. Wood—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 23353) granting an increase of pension to David Turket—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 23354) granting an increase of pension to John C. Bean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23355) granting an increase of pension to William J. Manning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23356) granting a pension to Anna R. B. Sommer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23357) granting a pension to Ellen M. Brennan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23358) granting a pension to Harry Menovitz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23359) granting a pension to Annie T. McLaughlin—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 23360) for the relief of Loron W. Forrest—to the Committee on Military Affairs.

By Mr. LANING: A bill (H. R. 23361) granting an increase of pension to Llewellyn W. French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23362) granting pensions to Angeline Fissel and Nancy Fissel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23363) granting a pension to Harrison Wagner—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 23364) granting an increase of pension to William Dodd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23365) granting an increase of pension to Frederic A. Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23366) granting an increase of pension to Adelbert Deland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23367) granting an increase of pension to John H. Mattoon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23368) granting an increase of pension to Rinaldine Fuller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23369) granting an increase of pension to Charles Pomeroy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23370) granting a pension to Johanna Hancock—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 23371) granting an increase of pension to Christian Sprester—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 23372) to remove the charge of desertion from the record of Joseph Neveux—to the Committee on Military Affairs.

Also, a bill (H. R. 23373) granting a pension to Cephas C. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23374) granting a pension to Abraham Moggo—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 23375) granting an increase of pension to Francis M. Leeds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23376) granting an increase of pension to Samuel Zarley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23377) granting an increase of pension to Henry A. Butcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23378) granting an increase of pension to Laban A. Timmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23379) granting a pension to Ruthey J. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23380) to correct the military record of A. C. Burk—to the Committee on Military Affairs.

By Mr. McMorran: A bill (H. R. 23381) granting a pension to Mary A. Enright—to the Committee on Pensions.

By Mr. MADISON: A bill (H. R. 23382) granting an increase of pension to James M. Grover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23383) granting an increase of pension to John J. Garr—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 23384) for the relief of Robert Foote—to the Committee on Claims.

Also, a bill (H. R. 23385) granting an increase of pension to Benjamin D. Chase—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23386) to authorize the issuance of a patent to Fred C. and C. Helen Fisher for land located in the county of Fremont, State of Wyoming—to the Committee on Private Land Claims.

By Mr. MANN: A bill (H. R. 23387) granting an increase of pension to William Lindsey—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 23388) granting an increase of pension to William T. Roseberry—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 23389) granting a pension to Mary Ann Connell—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 23390) granting an increase of pension to Sheppard F. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23391) granting an increase of pension to George S. Connor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23392) granting an increase of pension to Mary B. Shinn—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 23393) granting an increase of pension to John L. Husband—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23394) granting an increase of pension to John W. Ingram—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23395) granting an increase of pension to Daniel Hewitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23396) granting an increase of pension to John T. Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23397) granting an increase of pension to Christopher Sisk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23398) granting an increase of pension to Joseph R. Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23399) granting a pension to William P. Reivers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23400) granting a pension to Jacob H. Mose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23401) granting a pension to Charles E. Welker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23402) for the relief of the trustees of the Ebenezer African Methodist Episcopal Church, of Hagerstown, Md.—to the Committee on War Claims.

Also, a bill (H. R. 23403) for the relief of the trustees of the Quinn African Methodist Episcopal Church, of Frederick, Md.—to the Committee on War Claims.

By Mr. PETERS: A bill (H. R. 23404) granting an increase of pension to Mary Gorman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23405) granting an increase of pension to Hugh McParland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23406) granting an increase of pension to Levi Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23407) for the relief of Charles T. Hanson—to the Committee on Claims.

Also, a bill (H. R. 23408) for the relief of John A. Ganley—to the Committee on Claims.

Also, a bill (H. R. 23409) for the relief of Robert J. Faulkner—to the Committee on Military Affairs.

By Mr. RHINOCK: A bill (H. R. 23410) granting an increase of pension to James Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23411) granting an increase of pension to Simon Schmitt—to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 23412) granting an increase of pension to Samuel Uplinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23413) granting an increase of pension to Daniel A. Geiger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23414) granting an increase of pension to Charles E. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23415) granting an increase of pension to Daniel Knauss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23416) granting an increase of pension to George S. Engler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23417) granting a pension to Emma C. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23418) granting a pension to Albert Simon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23419) granting a pension to Melara C. Abbott—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 23420) for the relief of the heirs of Joseph Hemmerback, deceased—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 23421) granting a pension to Edwin W. Parker—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 23422) granting a pension to Helen A. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23423) granting a pension to Charlotte B. W. Brown—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 23424) granting an increase of pension to Charles W. Thomas—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 23425) granting an increase of pension to John J. Upham, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23426) granting an increase of pension to Hannah L. Holman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23427) granting a pension to Bridget Adams—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 23428) granting an increase of pension to Cassius C. Warren—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23429) granting an increase of pension to John T. Venatta—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23430) granting an increase of pension to Thomas Metzgar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23431) granting an increase of pension to William Willoughby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23432) granting an increase of pension to George S. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23433) granting an increase of pension to John W. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23434) granting an increase of pension to William L. Poust—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23435) granting an increase of pension to Hiram L. Yoder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23436) granting an increase of pension to Dennis McGinnis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23437) granting an increase of pension to John A. Brimmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23438) granting a pension to Chauncey G. Tripp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23439) granting a pension to Katie E. Shaeffer—to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 23440) granting an increase of pension to Alvin E. Gilbert—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 23441) granting a pension to George W. Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23442) granting an increase of pension to William L. Greer—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 23443) granting an increase of pension to John M. Wright—to the Committee on Pensions.

By Mr. DAWSON: A bill (H. R. 23444) granting an increase of pension to William S. Peck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23445) granting an increase of pension to Henry J. Flint—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23446) granting an increase of pension to James W. McElravy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23447) granting a pension to Melinda A. McMackin—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 23448) authorizing the President to reinstate William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy—to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 23449) granting an increase of pension to Samuel Gideon—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 23450) granting an increase of pension to Franklin M. Harrison—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 23451) removing the charge of desertion from the military record of Thomas T. Inslee—to the Committee on Military Affairs.

By Mr. McCALL: A bill (H. R. 23452) granting an increase of pension to Laura J. Chandler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23453) granting an increase of pension to George W. Bartlett—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 23454) granting an increase of pension to Francis M. Rogers—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 23455) granting an increase of pension to James F. Holt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23456) granting a pension to Anna Kress—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23457) granting an increase of pension to Francis Marcoe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23458) granting an increase of pension to John Secor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23459) granting an increase of pension to Adam Stenger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23460) granting an increase of pension to Adam Kronzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23461) granting a pension to Karl Sander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23462) granting a pension to Michael Landgraf—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Synod of Baltimore of the Presbyterian Church in the United States of America, praying for the enactment of a law requiring all individuals and corporations engaged in interstate commerce to give each of their employees who work on Sunday a full 24-hour rest day during the next six days, and to give each employee at least 14 full 24-hour rest days on the first day of each year—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAIR: Paper to accompany bill for relief of James L. Perry—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of Zenis Lanham—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of heirs of Mrs. Ann E. Lowry—to the Committee on War Claims.

By Mr. BARTHOLDT: Petition of M. D. Crain and others, of St. Louis, for legislation pensioning members of United States Military Telegraphers' Union in civil war—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of Bracken Brothers, of Corry, Pa., favoring removal of customs duty on sugar—to the Committee on Ways and Means.

Also, petition of Illinois Manufacturers' Association, against any legislation inimical to corporate and business interests—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: Petition of citizens of New York City, favoring Senate concurrent resolution No. 28, deploring acts of violence and inhumanity on the part of the Russian Government toward its subjects (previously referred to the Committee on Interstate and Foreign Commerce)—to the Committee on Foreign Affairs.

By Mr. BUTLER: Paper to accompany bill for relief of William H. Wright—to the Committee on Invalid Pensions.

By Mr. COLE: Paper to accompany bill for relief of Loammie Farmer—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of sundry petitioners, for law to pension members of United States Telegraphers' Union in civil war—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: Papers to accompany bills for relief of William Cross, Milford M. Britton, Sherrod W. Barnett, William Pace, and Jackson Crawford—to the Committee on Invalid Pensions.

By Mr. FLOYD: Papers to accompany bills for relief of W. F. Mitchell (H. R. 23049) and T. M. Rea (H. R. 23048)—to the Committee on Claims.

Also, papers to accompany bills for relief of James H. Gifford (H. R. 23054), James C. Cooper (H. R. 23053), John H. Gray (H. R. 23052), W. L. Reynolds (H. R. 23051), and James Huff (H. R. 23050)—to the Committee on Invalid Pensions.

By Mr. FOCHT: Papers to accompany bills for relief of Jacob S. Shaffer (H. R. 23060), Alexander Flack (H. R. 23059), W. A. Price (H. R. 23058), Henry H. Schrawder (H. R. 23057), Henry G. Chritzman (H. R. 23056), and Samuel Gonder (H. R. 23055)—to the Committee on Invalid Pensions.

By Mr. FOELKER: Petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., for legislation retiring petty officers and enlisted men of the navy after twenty-five years of continuous service—to the Committee on Naval Affairs.

Also, petition of citizens of Brooklyn, N. Y., against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. FULLER: Papers to accompany bills for relief of Charles Burton, Harmon Colvin, William M. Ramsey (H. R. 21551), Silas B. Muchant (H. R. 23083), and Abraham J. Eastwood (H. R. 23082)—to the Committee on Invalid Pensions.

By Mr. HAYES: Memorial of Humboldt Chamber of Commerce, concerning proposed restoration of the jetties at Humboldt Bay, California—to the Committee on Rivers and Harbors.

Also, petition of citizens of San Jose, Cal., for legislation creating a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Jeremiah M. Mobely, favoring enactment of more stringent exclusion laws relative to objectionable Asiatic immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Trans-Mississippi Commercial Congress, for appropriation to repair and extend the jetties at entrance of Humboldt Bay—to the Committee on Rivers and Harbors.

Also, petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. HENRY of Connecticut: Petition of residents of Mansfield, Conn., against Senate bill 3940, entitled "An act for proper observance of Sunday as day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. HITCHCOCK: Petition of citizens of Omaha, Nebr., for legislation pensioning members of United States Military Telegraphers' Union in civil war—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of P. Hendrickson (H. R. 5592)—to the Committee on Invalid Pensions.

By Mr. KELIHER: Petition of members of the United States Military Telegraph Corps, for legislation pensioning United States military telegraphers who served in the civil war—to the Committee on Invalid Pensions.

Also, petition of Massachusetts Society of the American Sons of the Revolution, for permanent maintenance of Fort McHenry as a garrisoned post of the United States Army—to the Committee on Military Affairs.

Also, petition of members of the United States Military Telegraph Corps, favoring the pensioning of members of the Military Telegraphers' Corps in civil war—to the Committee on Invalid Pensions.

By Mr. LEE: Papers to accompany bills for relief of heirs of Augustus and Christian Rich and heirs of George Winfred—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Henry W. Miller (H. R. 23109)—to the Committee on Invalid Pensions.

By Mr. LINDBERGH: Petition of Postmasters' Association of Minnesota, favoring postal savings banks and other postal legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of L. Ornell and other citizens of Brooklyn, against the passage of S. 3940 (proper observance of Sunday as day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. LOUD: Paper to accompany bill for relief of Abraham Moggs—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of citizens of Chicago, asking legislation to provide pensions for the United States Military Telegraph Corps of the United States Army during civil war—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Lindsey—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: Petition of citizens of Philadelphia, for legislation to pension members of the Telegraph Corps of the civil war—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Papers to accompany bills for relief of Lovenia Hodges, estate of Preston Gann, estate of Samuel Y. B. Williams, and heirs of Simeon Graves—to the Committee on War Claims.

By Mr. NEEDHAM: Petition of citizens of California, favoring legislation to provide pensions for the United States Military Telegraph Corps of the United States Army during civil war—to the Committee on Invalid Pensions.

By Mr. PEARRE: Paper to accompany bill for relief of Elizabeth Jarboe—to the Committee on War Claims.

By Mr. RHINOCK: Petition of citizens of Kentucky, for legislation pensioning members of the United States Telegraph Corps in the civil war—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: Paper to accompany bill for relief of heirs of Joseph Hemmerback—to the Committee on War Claims.

By Mr. SHACKLEFORD: Petition against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: Petition of Rev. L. G. Moore and others, of Lansing, Mich., against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. TOU VELLE: Paper to accompany bill for relief of heirs of Frederick Dieker—to the Committee on War Claims.

By Mr. WASHBURN: Papers to accompany bills for relief of Bridget Adams, Hannah L. Holman, and John G. Upham, Jr.—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petition of Massachusetts Wholesale Lumber Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. WILSON of Pennsylvania: Petition of G. H. Grabe and 15 others, of Coudersport; Ford & Patcher and Card & Barr, of Roulette; and Davis R. Evans and 11 others, of Blossburg, all of the State of Pennsylvania, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of R. K. Gemberling and 39 others, of Jersey Shore, and Charles D. Zerb and 19 others, of Carter Camp, all of the State of Pennsylvania, against the passage of S. 3940 (proper observance of Sunday as day of rest in the District of Columbia)—to the Committee on the District of Columbia.

## SENATE.

THURSDAY, December 10, 1908.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### ANNUAL REPORT OF COMPTROLLER OF THE CURRENCY.

The VICE-PRESIDENT laid before the Senate the forty-sixth annual report of the Comptroller of the Currency, for the year ended October 31, 1908, which was referred to the Committee on Finance and ordered to be printed.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

- In the cause of James Phillips v. United States;
- In the cause of Robert Dickey v. United States;
- In the cause of Mary V. R. Shipley, widow of George T. Shipley, deceased, v. United States;
- In the cause of Adam K. Baylor v. United States;
- In the cause of Benjamin Atwood v. United States; and
- In the cause of Owen S. M. Cone v. United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed

a bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses, in which it requested the concurrence of the Senate.

### OHIO VALLEY IMPROVEMENT ASSOCIATION.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions adopted at the fourteenth annual convention of the Ohio Valley Improvement Association, held at Louisville, Ky., October 21–22, 1908, relative to the improvement of the Ohio River.

Mr. GALLINGER. Mr. President, that is a very important document, and I ask unanimous consent that, without reading, it be inserted in the Record.

Without objection the resolutions were referred to the Committee on Commerce and ordered to be printed in the Record, as follows:

Resolutions adopted at the fourteenth annual convention of the Ohio Valley Improvement Association, held at Louisville, Ky., October 21–22, 1908.

#### REPORT OF COMMITTEE ON RESOLUTIONS.

The following resolutions, to which your attention is respectfully called, were adopted by the unanimous vote of the 835 delegates present.

The delegates to the fourteenth annual convention of the Ohio Valley Improvement Association, with a full realization of the importance of the duties delegated to them, submit the following facts for the consideration of Congress and of all the people of our great nation:

1. They represent directly the six States bordering on the Ohio River, namely, Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, and Illinois, and the States bordering on the tributaries of the Ohio, a river system embracing 4,400 miles, with a population of more than 13,000,000 people interested directly in the permanent improvement of the said Ohio River.

2. The Ohio Valley is to-day the most important manufacturing section of the United States. Recognizing this fact, and the consequent necessity of the improvement of the river, the Congress, in the river and harbor act, approved March 3, 1905, provided that—

"The Secretary of War is hereby authorized and directed to appoint a board of engineers to examine the Ohio River, and report at the earliest date by which a thorough examination can be made, the necessary data with reference to the canalization of the river and the approximate location and number of locks and dams in such river, with a view both to a depth of 6 feet and 9 feet; and in said report shall include the probable cost of such improvement with each of the depths named, the probable cost of maintenance, and the present and prospective commerce of said river, upstream as well as downstream, having regard to both local and through traffic. They shall also report whether, in their opinion, such improvement should be made, and whether other plans of improvement could be devised under which the probable demands of traffic, present and prospective, could be provided without additional locks and dams, or with a less number than is described in surveys heretofore made, giving general details relating to all of said plans and the approximate cost of completion thereof. They shall also examine the said river from the mouth of the Green River to Cairo with a view to determining whether an increased depth can be maintained by the use of dredges."

3. On May 12, 1905, by authority of the Secretary of War, and in accordance with the provisions of the act just quoted, a board of officers of the Corps of Engineers, consisting of Lieut. Col. D. W. Lockwood, Lieut. Col. Ernest H. Ruffner, Lieut. Col. Clinton B. Sears, Maj. George A. Zinn, and Maj. William L. Sibert, was constituted by the Chief of Engineers and directed to assemble at Cincinnati, Ohio, at the call of the senior member to carry out the purposes of the act. Capt. Harry Burgess, Corps of Engineers, was assigned to duty as recorder of the board.

4. The board made an inspection of the river, organized and conducted a hydrographic survey, and collected data from all available sources bearing upon the several features required by law to be reported upon.

5. The report of the board was filed December 15, 1906. It covers in full and exhaustively all the objects of inquiry specified in the law, and closes with the following recommendation:

"In view of the enormous interests to be benefited by continuous navigation on the Ohio River and the great development which may be expected from such increased facilities, the board is of the opinion that the Ohio River should be improved by means of locks and movable dams to provide a depth of 9 feet from Pittsburg to Cairo."

6. As provided by law, this report was referred to the Board of Engineers for Rivers and Harbors for review. This board consisted of Col. H. M. Adams, Col. Charles E. L. B. Davis, Col. R. L. Hoxie, Lieut. Col. C. McD. Townsend, and Maj. E. Eveleth Winslow. The board held a public hearing at Pittsburg, August 12, 1907, at which representatives of the various localities interested in the proposed improvement (covering the entire river) presented statements, and following the hearing the board made a personal inspection of the river from Pittsburg to Cairo.

7. Under date of October 18, 1907, the board submitted its report. After reviewing and commenting upon the vast manufacturing industries of Pittsburg and other Ohio River sections, the report closes in these words:

"The board believes that a large commerce is reasonably prospective if these commercial centers are connected by a waterway which will permit the certainty of transportation which is found on existing railroads, and that this certainty will be attained by the works proposed in the report."

"The General Government has expended large sums in improving the various tributaries of the Ohio. The utility of these improvements is dependent on the navigability of the main stream. The proposed improvement of the Ohio River will create a vast system of water communication penetrating one of the most populous and prosperous sections of the United States. Even in its unimproved condition the river has a marked effect on rail freight rates, the cheap rates quoted in the report as prevailing between New Orleans and Louisville, Cincinnati and Pittsburg, being directly traceable to its influence. Its effect on rail freight rates will be greatly increased if the proposed improvements are carried out."

"For these reasons the board is of the opinion that the improvement of the Ohio River by locks and movable dams so as to secure a depth of 9 feet, as recommended in the report of the special board, is worthy of being undertaken by the United States."